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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. STATE LANDS COMMISSION

DIVISION 3. STATE PROPERTY OPERATIONS CHAPTER 1. STATE LANDS COMMISSION ARTICLE 5. MARINE TERMINALS INSPECTION AND MONITORING

NOTICE OF PROPOSED REGULATORY ACTION

The California State Lands Commission (the Commission) proposes to modify the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to modify Section 2320 of Article 5 in Title 2, Division 3, Chapter 1 of the California Code of Regulations (CCR). The modification would delete the three yearly inspection program for marine oil terminals in the state and replace that provision with an ongoing continuing inspection program authorized under Title 24, Part 2, Volume 1 of the CCR. The regulations under Title 24, Part 2, Volume 1 were recently approved by the California Building Standards Commission and become effective on February 6, 2006.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at 5.00 pm on Monday, November 14, 2005. All written comments must be received at the Commission by that time. Written comments should be submitted to:

Livin Prabhu
Supervisor, Planning Branch
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802

PUBLIC HEARING

The Commission has not scheduled a public hearing for this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

AUTHORITY AND REFERENCE

Authority: Sections 8751, 8755 and 8757, Public Resources Code.

Reference: Sections 8670.1 through 8670.70 Government Code; Sections 8751, 8755 and 8757, Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission proposes to modify subsection (a) 2 of section 2320 of Article 5. The Commission's Marine Facilities Division (the Division) commenced its inspection and monitoring program of all marine oil terminals in the state in 1991. PRC section 8755 authorizes the Commission to adopt rules, regulations, guidelines and commission leasing policies for reviewing the location, type, character, performance standards, size and operation of all existing and proposed marine terminals within the state. Initially, the Commission's regulations included annual and triennial inspections and thorough examinations. Since 1991 Commission staff, in consultation with industry and consultants, have developed comprehensive regulations entitled "Marine Oil Terminals Engineering and Maintenance Standards" (MOTEMS) under 24 CCR Chapter 31F, Divisions 1 through 11. These regulations were adopted by the Commission on August 17, 2004 and approved by the Building Standards Commission on January 19, 2005. MOTEMS includes a comprehensive set of standards for the structure, oil transfer and safety equipment and maintenance of these items.

This proposed regulatory action rescinds the triennial inspection requirement and replaces it with the comprehensive MOTEMS program.

DIFFERENCES FROM FEDERAL REGULATIONS

There are no comparable federal regulations. MOTEMS is a program exclusive to California.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

Mandate on local agencies and school districts:
None

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17360: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or business: The commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of this regulation will not:

1. Create or eliminate jobs within California;
2. Create new businesses or eliminate existing business within California; or
3. Affect the expansion of businesses currently doing business in California.

Significant effect on housing costs: None

SMALL BUSINESS DETERMINATION

The Commission has determined that these regulations do not affect small businesses as defined in Government Code (Gov. C.) Section 11342.610, because all affected businesses are maritime oil transportation and terminal owners and operators, as specified under Gov. C. Section 11342.610(c)(7) and having annual gross receipts of more than \$1,500,000.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written public comment period.

CONTACT PERSON

Inquiries concerning the proposed regulatory action may be directed to:

Livin Prabhu
Supervisor, Planning Branch
State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802

Tel: (562) 499-6312

Fax: (562) 499-6317

e-mail: prabhul@slc.ca.gov

Or

Mark Meier

Senior Staff Counsel

State Lands Commission

100 Howe Avenue, Suite 100 South

Sacramento, CA 95825-8202

Tel: (916) 574-1853

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its Long Beach office at the address above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. Copies may be obtained by contacting Livin Prabhu at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Livin Prabhu at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Livin Prabhu at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at:

[http://www.slc.ca.gov/Division_Pages/
MFD/MFD_Home.htm](http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home.htm)

TITLE 2. STATE LANDS COMMISSION

DIVISION 3. STATE PROPERTY OPERATIONS CHAPTER 1. STATE LANDS COMMISSION

ARTICLE 5.4. Structural Requirements for Vapor Control Systems at Marine Terminals

NOTICE OF PROPOSED REGULATORY ACTION

The California State Lands Commission (the Commission) proposes to repeal the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to repeal Sections 2550 through 2556 of Article 5.4, in Title 2, Division 3, Chapter 1 of the California Code of Regulations (CCR). The repeal would discontinue the provisions for structural requirements for vapor control systems at marine oil terminals in the state and replace those provisions with new requirements authorized under Title 24, Part 2, Volume 1 of the CCR. The regulations under Title 24, Part 2, Volume 1 were recently approved by the California Building Standards Commission and become effective on February 6, 2006.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at 5.00 pm on Monday, November 14, 2005. All written comments must be received at the Commission by that time. Written comments should be submitted to:

Livin Prabhu
Supervisor, Planning Branch
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802

PUBLIC HEARING

The Commission has not scheduled a public hearing for this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

AUTHORITY AND REFERENCE

Authority: Sections 8751, 8755 and 8757, Public Resources Code.

Reference: Sections 8670.1 through 8670.70 Government Code; Sections 8751, 8755 and 8757, Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission proposes to repeal all of the provisions of 2 CCR, Article 5. 4 The Commission's Marine Facilities Division (the Division) commenced its inspection and monitoring program of all marine oil terminals in the state in 1991. PRC section 8755 authorizes the Commission to adopt rules, regulations, guidelines and commission leasing policies for reviewing the location, type, character, performance standards, size and operation of all existing and proposed marine terminals within the state. Initially, the Commission's regulations included annual and triennial inspections and thorough examinations. Since 1991 Commission staff, in consultation with industry and consultants, have developed comprehensive regulations entitled "Marine Oil Terminals Engineering and Maintenance Standards" (MOTEMS) under 24 CCR Chapter 31F, Divisions 1 through 11. These regulations were adopted by the Commission on August 17, 2004 and approved by the Building Standards Commission on January 19, 2005. They become effective from February 6, 2006. MOTEMS includes a comprehensive set of standards for the structure, oil transfer and safety equipment and maintenance of these items. MOTEMS includes all of the requirements of Article 5.4 and, if that article remains effective in the CCR, it would be duplicative of MOTEMS. The Commission is thus proposing this action to repeal Article 5.4.

This proposed regulatory action repeals the provisions of Article 5.4 and replaces those provisions with the requirements of the comprehensive MOTEMS program under 24 CCR Chapter 31F, Divisions 1 through 11.

DIFFERENCES FROM FEDERAL REGULATIONS

There are no comparable federal regulations. MOTEMS is a program exclusive to California.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17360: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or business: The commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Repeal of this regulation will not:

1. Create or eliminate jobs within California;
2. Create new businesses or eliminate existing business within California; or
3. Affect the expansion of businesses currently doing business in California.

Significant effect on housing costs: None

SMALL BUSINESS DETERMINATION

The Commission has determined that the repeal of these regulations do not affect small businesses as defined in Government Code (Gov. C.) Section 11342.610, because all affected businesses are maritime oil transportation and terminal owners and operators, as specified under Gov. C. Section 11342.610(c)(7) and having annual gross receipts of more than \$1,500,000.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. This proposed action repeals Article 5.4. The Commission believes that there is no reasonable alternative to the repeal.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written public comment period.

CONTACT PERSON

Inquiries concerning the proposed regulatory action may be directed to:

Livin Prabhu
Supervisor, Planning Branch
State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802
Tel: (562) 499-6312
Fax: (562) 499-6317
e-mail: prabhul@slc.ca.gov

Or

Mark Meier
Senior Staff Counsel
State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
Tel: (916) 574-1853

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its Long Beach office at the address above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. Copies may be obtained by contacting Livin Prabhu at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the Commission may adopt the repeal of Article 5.4, substantially as described in this notice. If modifications are made, in response to public comments, which are sufficiently related to the original proposal of repeal, the modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Livin Prabhu at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Livin Prabhu at the above address.

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[http://www.slc.ca.gov/Division_Pages/
MFD/MFD_Home.htm](http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home.htm)

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **November 17, 2005**, at 10:00 a.m. in the Lanterman Auditorium, 4491 Cornishon Avenue, La Cañada Flintridge, CA 91011.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **November 17, 2005**, following the Public Meeting in the Lanterman Auditorium, 4491 Cornishon Avenue, La Cañada Flintridge, CA 91011.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **November 17, 2005**, following the Public Hearing in the Lanterman Auditorium, 4491 Cornishon Avenue, La Cañada Flintridge, CA 91011.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **November 17, 2005**.

1. TITLE 8: CONSTRUCTION SAFETY ORDERS

Chapter 4, Subchapter 4, Article 20
Section 1635(b) and New Section
1635(c)

Floor Openings (Steel Framed Buildings)

A description of the proposed changes are as follows:

1. TITLE 8: CONSTRUCTION SAFETY ORDERS

Chapter 4, Subchapter 4, Article 20
Section 1635(b) and New Section
1635(c)

Floor Openings (Steel Framed Buildings)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action is initiated as a result of a Division of Occupational Safety and Health (Division) memorandum and Cal/OSHA Form 9-047, Request for New, or Change in Existing, Safety Order, dated June 22, 2005. In addition to the extensive steel erection provisions contained in the CSO, Section 1710, "Structural Steel Erection," the standards contained in CSO, Section 1635(b), provide additional Title 8 requirements for structural steel framed buildings erected in tiers or stories that are consistent with statutes in the California Labor Code, Sections 7250 through 7267. Proposed amendments for Section 1635(b) ensure that references to fall protection requirements include Section 1710 which contains requirements such as various trigger heights for the use of fall protection that are unique to steel erection construction.

Sections 1635(b) and 1710 require, among many other provisions, that the derrick or erection (working) floor of multistory buildings be solidly decked over

except for access openings. Planking and decking must be secured against displacement by strong winds or other forces.

CSO, Section 1632(b) is applicable for the protection of floor openings where steel erection is taking place and requires that floor openings shall be guarded by either railings and toeboards, or by covers. Section 1632(b) also requires that floor opening covers be capable of safely supporting the greater of 400 pounds or twice the weight of the employees, equipment and materials that may be imposed on the cover. Section 1632(b) also provides that covers be secured in place, and bear a pressure sensitized, painted, or stenciled sign with legible letters not less than one inch high, stating: "Opening—Do Not Remove."

However, the Division states that there are steel erection work phases during which floor opening covers have to be repeatedly removed for welding, bolting, inspection, or for other intermittent access needs, and it is impractical to keep them bolted or otherwise affixed to the floor. Therefore, proposed amendments in this rulemaking action include a new Section 1635(c) to address the placement and removal of covers when work of this nature is taking place.

Section 1635. Floors, Walls and Structural Steel Framed Buildings.

The provisions in Section 1635 address the installation of temporary flooring and structural stability of buildings under construction including certain fall protection criteria during the construction of multi-floor buildings. Subsection (a) is applicable to multifloor buildings other than structural steel framed buildings and subsection (b) is applicable to structural steel framed buildings more than two stories high that are erected in tiers or stories and does not apply to steel framed buildings having large open spans such as auditoriums and gymnasiums.

Section 1635(b)(2).

Existing subsection (b)(2) states that there shall be a tight and substantial temporary floor within two floors below and directly under that portion of each tier of beams on which erection, riveting, bolting, welding or painting is being done. For operations of short duration of exposure to falling, fall protection shall be required as set forth in Article 24. An amendment is proposed to include that fall protection shall be required as set forth in Article 24 and Section 1710. This amendment would have the effect of clarifying that the fall protection requirements specific to the vertical standard for structural steel erection activity, Section 1710, that includes trigger heights when fall protection is required, is applicable to subsection (b)(2).

Section 1635(b)(8).

Existing subsection (b)(8) states that floor planks that are temporarily removed for any reason whatsoever shall be replaced as soon as work requiring their removal is completed or the open area shall be properly guarded. The intent of this subsection is to mitigate the fall hazards created when floor planking removal creates openings in the floor. An amendment is proposed that would make this standard also applicable to metal decking that is temporarily removed. Metal decking is used more frequently on current steel erection job sites than planking. The effect of this amendment would be to ensure that employees are afforded the same protection from falling through floor openings and spaces created not only by the removal of planking, but also by the removal of metal decking.

Section 1635(b)(9).

Existing subsection (b)(9) requires that prior to the removal of temporary floor planks, employees shall be instructed by assigned supervision the steps to be taken to perform the work safely and in proper sequence. An amendment is proposed that would also make the provisions of this subsection applicable to the removal of metal decking. The effect of this amendment would be to ensure that the employees receive instructions to protect them from the fall hazards created not only by the removal of planking, but also by the removal of metal decking.

Section 1635(b)(11).

Existing subsection (b)(11) states when gathering and stacking temporary floor planks from the last panel, the steel erector's personnel assigned to such work shall be protected by a personal fall protection system used in accordance with Article 24. A proposed amendment references Section 1710. This amendment is similar to that proposed for subsection (b)(2) and would have the effect of clarifying that the fall protection requirements specific to the vertical standard for structural steel erection activity, Section 1710, that includes trigger heights when fall protection is required, is applicable to subsection (b)(11).

Section 1635(b)(14).

Existing subsection (b)(14) requires that personal fall protection and nets shall be required in accordance with Article 24. A proposed amendment references Section 1710. This amendment is similar to that proposed for subsections (b)(2) and (b)(11) would have the effect of clarifying that the fall protection requirements specific to the vertical standard for structural steel erection activity, Section 1710, that includes trigger heights when fall protection is required, is applicable to subsection (b)(14).

Section 1635(b)(15).

Existing subsection (b)(15) states that no person shall proceed with any work assigned to or undertaken by him, or require or permit any other person to proceed with the work assigned to or undertaken by either, unless the planking or nets required by this article are in place. An amendment is proposed to delete the gender reference and other unnecessary language in the standard. An additional amendment is proposed to include reference to metal decking to ensure that metal decking must also be in place before proceeding with assigned work. This proposal will have the effect of eliminating unnecessary language and ensures that planking, metal decking or nets, where required, are in place before work proceeds.

New Section 1635(c).

New subsection (c) is proposed to address special provisions applicable to floor openings. This proposed subsection states that Section 1632(b) applies to floor openings at locations where steel erection work is taking place, except where work in progress requires floor openings to be uncovered. For such work, the standard provides a number of requirements outlined in proposed subsections (c)(1) through (c)(7). The effect of this proposed new standard would permit floor opening covers to be removed for work in progress that requires access to floor openings provided that all the following provisions of this subsection are met.

New Section 1635(c)(1).

Proposed new subsection (c)(1) would require that the floor or working level where such work is in progress shall be barricaded to prohibit entry by unauthorized personnel and shall be under the exclusive control of the steel erection employer. The effect of this proposed new standard would be to limit access to any floor opening to only authorized persons under the supervision of the steel erection employer.

New Section 1635(c)(2).

Proposed new subsection (c)(2) would require that the floor adjacent to floor openings shall be barricaded or the floor opening shall be covered when not attended by steel erection personnel. The effect of this proposed new standard would be to protect employees from inadvertently falling through a floor opening.

New Section 1635(c)(3).

Proposed new subsection (c)(3) would require that all planking and other materials used to cover floor openings shall be capable of safely supporting the greater of 400 pounds or twice the weight of the employees, equipment and materials that may be imposed on any one square foot area of the cover at any time. The cover shall have not less than 12 inches

of bearing on the surrounding structure. The effect of this proposed new standard would be to ensure that covers have the strength and sufficient bearing on the surrounding structure to protect the opening.

New Section 1635(c)(4).

Proposed new subsection (c)(4) would require all floor opening covers to bear a sign stating, "OPENING—DO NOT REMOVE", in 2 inch high, black bold letters on a yellow background. The effect of this new provision is to provide a conspicuous warning to employees to keep covers in place.

New Section 1635(c)(5).

Proposed new subsection (c)(5) would require the placement of covers to be verified by a qualified person prior to each shift and following strong wind conditions. The effect of this new provision is to ensure that covers are appropriately in place to mitigate any hazard from a floor opening.

New Section 1635(c)(6).

Proposed new subsections (c)(6)(A) and (B) would require that workers be instructed and required to, 1) keep covers in place when not engaged in work requiring the opening to be uncovered, and 2) never remove a cover by walking forward or by stepping into an area where they cannot directly observe the surface their feet will touch. The effect of this proposed new standard would be to ensure employees receive instructions and follow safe procedures when covers are removed.

New Section 1635(c)(7).

Proposed new subsection (c)(7) would require that after work requiring floor openings to be uncovered has been completed and prior to allowing other trades in the work area, the guarding and covers for floor openings must meet the provisions of Section 1632(b). The effect of this proposed new standard would be to protect workers from fall hazards created by floor openings.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment. This proposal clarifies existing requirements and outlines procedures for protecting workers from fall hazards during work in progress in steel erection activities that require access through floor openings.

COST ESTIMATES OF PROPOSED ACTION

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Also, see the statement above under the heading “Specific Technology or Equipment.”

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, these standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the

California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. Also, see the statement under the heading “Specific Technology or Equipment.”

ASSESSMENT

The adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/ UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than November 11, 2005. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on November 17, 2005, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at

oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING California Automobile Assigned Risk Plan's Proposed Changes to Commercial Forms and Endorsements

**September 14, 2005
RH04038904**

SUBJECT OF HEARING

California Insurance Commissioner John Garamendi will hold a public hearing to consider the proposed amendments to the Commercial Forms/Endorsements for the California Automobile Assigned Risk Plan ("CAARP" or "Plan") Plan of Operations and invites comments from the public. The Insurance Services Office (ISO) has introduced revisions to the Commercial Auto Coverage Parts Program (CACP) and related endorsements to replace the July 1997 Edition. The CACP Forms are part of AIPSO's countrywide manual called the Portfolio. These forms are written to be applicable to all states. However when a state does not offer a type of coverage it is noted in that particular state's list of forms. For

example the California Plan does not provide physical damage coverage so it is noted in the proposed amendments that this coverage has no effect on Plan business in California. The proposed amendments list all changes but CAARP proposes adopting only the revisions in the new CACP that are applicable to California.

AUTHORITY TO ADOPT; PROCEDURES AND REFERENCE

The Commissioner will consider the proposed changes pursuant to the authority vested in him by California Insurance Code Sections 11620 and 11624. Rules and forms are specified in the Plan of Operations and are approved by the Commissioner. California Insurance Code Section 11624 that sets standards for the determining eligibility of applicants for insurance and California Code of Regulations, Title 10, Chapter 5, Section 2498.4.9 that contains the information regarding the ability to order the Commercial Forms and Endorsements.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

Date and Time: November 17, 2005
10:00 a.m.

Location: California Department of Insurance
45 Fremont Street
22nd Floor Hearing Room
San Francisco, California 94105

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the proposed revision prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Mike Riordan, Staff Counsel
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
riordanm@insurance.ca.gov

Telephone: (415) 538-4226

Facsimile: (415) 904-5490

Elizabeth Mohr, Assistant Chief Counsel

California Department of Insurance

Rate Enforcement Bureau

45 Fremont Street, 21st Floor

San Francisco, CA 94105

mohre@insurance.ca.gov

Telephone: (415) 538-4112

Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on November 17, 2005**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail and facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance

Office of the Public Advisor

300 Capitol Mall, Suite 1700

Sacramento, CA 95814

Telephone: (916) 492-3500

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST

CAARP adopts the latest ISO CACP for use in the residual market. However, CAARP has not adopted certain ISO changes as they were not considered appropriate for residual market use.

The proposed changes listed below show all the changes to the forms. Where the changes do not affect California or where CAARP has recommended that they not be adopted they are noted.

I. COVERAGE FORMS

A. CA 00 01 10 01 Business Auto Coverage Form

Replaces CA 00 01 07 97

1. Section III—Physical Damage Coverage

Note: The California Plan does not provide physical damage coverage so these changes have no effect on Plan business.

a. Coverage Extensions

- (1) The transportation expenses are increased from \$15 per day subject to a maximum of \$450 to \$20 per day subject to a maximum of \$600.

CAARP is not recommending this broadening of coverage because it is not universally provided in the voluntary market.

- (2) Added loss of use expenses for which an insured becomes legally liable when a rental car is damaged.

CAARP did not recommend this broadening of coverage with the 7/97 Edition of the CACP. Therefore, CAARP does not recommend adopting it for use with this revised Edition of the CACP.

b. Exclusions

Introduction of a diminution in value exclusion to clarify that the Coverage Form does not provide for payment of any loss in market value as loss in market value is not a component of direct and accidental loss or damage as provided in the policy's definition of "loss".

c. Limit of Insurance

The Limit of Insurance provision is revised to clarify that loss payment for repair or replacement does not include any payment for betterment, and that adjustments will be made for depreciation and physical condition in determining actual cash value in the event of a total loss.

2. Section IV—Business Auto Conditions

a. Loss Conditions

The Loss Payment—Physical Damage Coverages provision is revised to clarify that sales tax for a damaged or stolen vehicle is considered part of the total loss settlement.

Note: The California Plan does not provide physical damage coverage so these changes have no effect on Plan business.

b. General Conditions

- (1) The Premium Audit provision is revised to address the due date for audit premiums.
- (2) The Policy Period, Coverage Territory provision is revised to incorporate limited worldwide coverage provisions.

The California Plan did not adopt this broadening of coverage with the 7/97 Edition of the CACP. Therefore, CAARP does not recommend adopting it for use with this revised Edition of the CACP (See AP 62 15).

3. Section V—Definitions

- a. The definition of “Covered Pollution Cost or Expense” is broadened to include any cost or expense arising out of a statutory or regulatory requirement.
- b. A definition of “Diminution in Value” is added in conjunction with the diminution in value exclusion as mentioned above.
- c. The definition of “Insured Contract” is revised to be consistent with the definition in ISO’s Commercial General Liability Policy.
- d. The definition of “Temporary Worker” is revised to be consistent with ISO’s Commercial General Liability Policy.

B. CA 00 12 10 01 Truckers Coverage Form

Replaces CA 00 12 07 97

This form is revised to incorporate the same revisions made to the Business Auto Coverage Form outlined in paragraph A above.

II. CAARP ENDORSEMENTS

A. AP 21 03 03 04 California Changes—Common Policy Conditions

Replaces AP 21 03 04 00 and AP 30 15 08 99

This form is revised by incorporating the current provisions of form AP 30 15 into this form. The provisions of both forms are unchanged.

Note: Although there are only a few substantive changes and only editorial and updated form numbers to the endorsements they have all been included for information purposes.

B. AP 62 15 10 02 Changes In Commercial Auto Coverage Form

Replaces AP 62 15 01 99

This form is revised for editorial revisions.

C. AP 70 14 10 02 Changes In Truckers Coverage Form

Replaces AP 70 14 01 97

This form is revised for editorial purposes.

D. AP 70 15 10 02 Changes In Truckers Endorsement

Replaces AP 70 15 01 97

This form is revised for editorial purposes.

E. AP 90 46 01 03 Split Liability Limits

Replaces AP 90 46 12 93

This form is revised to add non-duplication of benefits language to track the policy. In addition, editorial revisions have been made.

III. ISO ENDORSEMENTS

A. CA 02 40 10 01 Suspension Of Insurance

Replaces CA 02 40 07 97

This form is revised editorially to add additional space to list covered autos.

B. CA 20 01 10 01 Lessor—Additional Insured And Loss Payee

Replaces CA 20 01 02 99

The title of this form is revised from “Additional Insured—Lessor” to “Lessor—Additional Insured and Loss Payee” to more closely track with the purpose of the endorsement.

C. CA 20 15 10 01 Mobile Equipment

Replaces CA 20 15 07 97

The schedule of this form is revised to delete the specified \$25 deductible for physical damage coverage for specified causes of loss to allow a deductible in the amount of the insured’s selection. This revision tracks with the change made to the underlying Declarations pages.

Note: The California Plan does not provide physical damage coverage so these changes have no effect on Plan business.

D. CA 20 54 10 01 Employee Hired Autos

Replaces CA 20 54 02 99

This form is revised editorially to

- add additional text to the lead-in for consistency with other forms.
- correct the paragraph reference from “5.d.” to “5.f.” for the Other Insurance—Primary and Excess Insurance Provisions of the Motor Carrier Coverage Form.
- change the word “contact” in paragraph B.2. to “contract”.

E. CA 23 04 10 01 Rolling Stores

Replaces CA 23 04 12 93

This form is revised to correct the spelling of the word “possession”.

F. CA 23 17 09 00 Truckers—Uniform Intermodal Interchange Endorsement Form UIIE-1

Replaces CA 23 17 07 97

This form is revised to

1. reflect the new requirements of the “Liability, Indemnity and Insurance” section of the Uniform Intermodal Interchange and Facilities Access Agreement.
2. delete the split limits option.

3. correct the zip code for the mailing address of the Intermodal Association of North America (IANA).

G. CA 23 20 10 01 Truckers Endorsement

Replaces CA 23 20 07 97

The schedule of this form is revised to delete the specified \$25 deductible for physical damage coverage for specified causes of loss to allow a deductible in the amount of the insured's selection. This revision tracks with the change made to the underlying Declarations pages. Editorial revisions have also been made.

Note: The California Plan does not provide physical damage coverage so these changes have no effect on Plan business.

H. CA 99 17 10 01 Individual Named Insured

Replaces CA 99 17 07 97

This form is revised to replace the word "while" with "if" in response to the N.C. Court of Appeals decision in the case of *Drye v. Nationwide Mutual Ins. Co.*, 126 N.C. App. 811, 487 S.E. 2d 148 (1997). The court found that the word "while", as used in an endorsement to a Business Auto Policy reviewed by the court, was ambiguous when used in the sentence "While any "auto" you own of the private passenger type is a covered "auto" under Liability Coverage . . .".

I. CA 99 48 09 02 Pollution Liability—Broadened Coverage for Covered Autos—Business Auto, Motor Carrier and Truckers Coverage Form

Replaces CA 99 48 12 93

This form is revised to

1. clarify that the Care, Custody and Control exclusion does not apply when the endorsement is attached to the policy.
2. include any cost or expense arising out of a statutory or regulatory requirement. This tracks the change made to the Coverage Forms.

J. IL 00 21 07 02 Nuclear Energy Liability Exclusion Endorsement (Broad Form)

Replaces IL 00 21 04 98

This form is editorially revised to delete reference to certain policies from the list of policies modified by the endorsement.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

**COST OR SAVINGS TO ANY STATE AGENCY;
FEDERAL FUNDING**

The Commissioner has determined that the proposed regulation will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

**COST OR SAVINGS TO AGENCIES / SCHOOL
DISTRICTS / FEDERAL FUNDING**

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies. Nor will the proposal affect federal funding to the state.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES
AND THE ABILITY OF CALIFORNIA
BUSINESSES TO COMPETE**

The Insurance Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

**COST IMPACT ON PRIVATE
PERSONS OR ENTITIES**

The Insurance Commissioner is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

IMPACT ON SMALL BUSINESS

The matter proposed herein will affect insurance companies and therefore will not affect small business. (Gov. Code Section 11342.610(b)(2)).

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposal would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Commissioner invites interested persons to present statements or arguments with respect to allowing the proposed changes at the scheduled hearing or during the written comment period.

PLAIN ENGLISH

The changes describing CAARP's proposed changes are in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed amendments in addition to the Informative Digest included in this notice. The Initial Statement of Reasons and this Notice of Proposed Action are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above.

FINAL STATEMENT OF REASONS

A final statement of reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the final statement of reasons will be made available for inspection and copying once it has been prepared. A copy of the final statement of reasons will also be posted on the Department's web site

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's proposed changes, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

If the Department amends the proposed regulations with changes that are sufficiently related to the original text, the Department will make the full text of the amended regulations, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended regulations.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING COMMERCIAL AUTOMOBILE INSURANCE PROCEDURE RATES FOR THE CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN

**September 7, 2005
RH05046220**

SUBJECT OF HEARING

California's Insurance Commissioner will hold a public hearing to consider the application of the California Automobile Assigned Risk Plan ("CAARP" or "Plan") for approval of increased rates for the four commercial sub-lines for the Commercial Automobile Insurance Procedure ("CAIP").

AUTHORITY AND REFERENCE TO ADOPT RATES

The Commissioner will consider the proposed rates pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed rates will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Government Code § 11340.9(g) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed rates at the following date, time, and place:

November 17, 2005 at 10:00 a.m.

Department of Insurance
45 Fremont Street 22nd Floor Hearing Room
San Francisco, CA 94105

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAW AND POLICY STATEMENT OVERVIEW

Pursuant to California Insurance Code Section 11624, the Commissioner establishes rates to be charged to those obtaining commercial automobile

coverage through CAIP. Section 11624 provides: "Premium charges for the plan shall not be excessive, inadequate, nor unfairly discriminatory, and shall be actuarially sound so as to result in no subsidy of the plan." Title 10, California Code of Regulations, § 2498.4.9 references the commercial automobile rate manual, which is approved by the Commissioner but not printed in full in the California Code of Regulations.

The Commissioner is holding the hearing referenced above to accept comments on CAARP's recent rate application. CAARP has proposed rate changes for four CAIP sublines, amounting to an overall average **16.0 percent rate increase**. The four sublines are Trucks, Tractor and Trailers; Taxis, Limousines and Van Pools; All Buses Combined; and Zone Rated Risks. CAARP is not seeking a rate change for Employers Non-Ownership Liability at this time. The proposed changes are shown on the attached Explanatory Memorandum. Further details appear in the rate application on file with the Commissioner and available for review as set forth below.

TEXT OF RATE APPLICATION AND INITIAL STATEMENT OF REASONS

The Insurance Commissioner has prepared an initial statement of reasons for the proposed rate change, in addition to the informative digest included in this notice. Upon written request, the initial statement of reasons will be made available for inspection or copying. Written requests for the statement of reasons, or specific questions regarding this proceeding, should be directed to the contact person for these hearings (listed below).

The file for this proceeding is available for inspection **by prior appointment** at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. Please reference file number "RH03030185" when contacting the contact person.

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to make special arrangements, if necessary.

PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS: CONTACT PERSON

All persons are invited to submit written comments to the Commissioner prior to the public comment deadline. Comments should be addressed to the following contact person:

California Department of Insurance
Attention: Michael Riordan
45 Fremont Street, 21st Floor
San Francisco, CA 94105
(415) 538-4226
riordanm@insurance.ca.gov

or
California Department of Insurance
Attention: Elizabeth Mohr
45 Fremont Street 21st Floor
San Francisco, CA 94105
(415) 538-4112
mohre@insurance.ca.gov

Any interested person may present oral and/or written testimony at the public hearing.

Written comments transmitted via facsimile machine will be accepted and considered. The facsimile number is (415) 904-5490. Written comments may also be submitted by e-mail to riordanm@insurance.ca.gov.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall Suite, 1700
Sacramento, CA 95814
(916) 492-3500

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information please contact the Office of the Public Advisor.

DEADLINE FOR WRITTEN COMMENTS

Written comments on the proposed new rates must be **received** at the San Francisco office of the Commissioner by **5:00 p.m. November 17, 2005**. Late submissions will not be considered.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less

burdensome to affected private persons than the proposed action. The Commissioner invites public comment on alternatives to the proposed rate increase.

COST OR SAVINGS AND MANDATE ON AGENCIES OR SCHOOL DISTRICTS

The Commissioner has determined that the proposal does not impose a mandate on local agencies or school districts. The proposal will not result in any cost or in significant savings to state agencies, or in costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings imposed on local agencies.

IMPACT ON HOUSING COSTS

The action proposed herein will not affect housing costs.

IMPACT ON BUSINESSES, COMPETITION OR COMPETITIVENESS ECONOMIC IMPACT ON BUSINESSES, JOBS, AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

CAARP is proposing overall rate increases for trucks, tractors and trailers; taxicabs, limousines, and van pools; buses; and zone rated risks. Therefore, the proposed rate changes could have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed rate changes could also have an adverse impact on competition or competitiveness. The proposal could also negatively affect the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California. However, California Insurance Code section 11624(e) requires that premium charges for the plan shall be actuarially sound so as to result in no subsidy of the plan by the voluntary market. Therefore, if and to the extent that CAARP is able to demonstrate that certain existing rates are no longer actuarially sound and that rate increases are warranted, the Commissioner is required to approve increased rates. Of course, the Commissioner also recognizes that section 11624(e) requires that rates not be excessive, and the Commissioner will not approve an increase that results in excessive rates.

EFFECT ON SMALL BUSINESSES

The proposed rate changes could affect small businesses.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESS

The Insurance Commissioner has determined that there could be potential negative cost impacts on businesses directly affected by the proposed rate

increases. Although the rate application involves commercial automobile insurance rates, to the extent a rate increase negatively impacts business, it could also negatively impact private persons employed by those businesses. The rate increase could also negatively impact private persons wishing to purchase goods or services from businesses if the price of goods or services is increased to cover the increased cost of insurance coverage.

FEDERAL FUNDING TO THE STATE

The proposal will not affect federal funding.

NON-DISCRETIONARY COSTS OR SAVING

The proposal will not impose any non-discretionary cost or savings on local agencies.

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

Adoption of the proposal would not mandate the use of specific technologies or equipment.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

AUTOMATIC MAILING

A copy of this notice is being sent to all persons on the Insurance Commissioner's mailing list.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING REVISIONS TO CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN

**September 8, 2005
RH05043033**

SUBJECT OF HEARING

California Insurance Commissioner John Garamendi will hold a public hearing to address the proposed amendments to Sections 14, 16, 20, 23, 37, 40, 41, 43, 47, and 54 of the California Automobile Assigned Risk Program (CAARP) Plan of Operations and Rules 21, 26, 57, 94, 133, and 141 of the CAARP Rules and Rates Manual. In addition CAARP included two forms for review.

AUTHORITY TO ADOPT RATES AND PROCEDURES AND REFERENCE

The Commissioner will consider the proposed addition pursuant to the authority vested in him by

California Insurance Code Sections 11620 and 11624. Government Code Sections 11340.9(g) and 11343(a) apply to these proceeds.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

Date and Time: November 17, 2005
10:00 a.m.

Location: California Department of Insurance
45 Fremont Street
22nd Floor Hearing Room
San Francisco, California 94105

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the proposal prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Mike Riordan, Staff Counsel
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, California 94105
riordan@insurance.ca.gov
Telephone: (415) 538-4226
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Elizabeth Mohr, Assistant Chief Counsel
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, California 94105
mohre@insurance.ca.gov
Telephone: (415) 538-4112
Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on November 17, 2005**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail and facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, Suite 1700
Sacramento, CA 95814
Telephone: (916) 492-3500

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST

The listed proposed amendments have been submitted by CAARP to amend several Rules of the CAARP Rules and Rates Manual:

- Rule 21 would be amended to include a reference to medical payments and uninsured motorist coverage
- Rule 26 would be amended to include a reference to medical payments and uninsured motorist coverage and will provide rating for uninsured motorist coverage
- Rule 57 would be amended to specify that the Class 3 rate on private passenger rate schedules for applicable rating bands should be used
- Rule 94 Paragraph C.2 would be amended to clarify that a Bingo Bus classification is for use to rate non-profit organizations to transport people to stand alone or church related bingo hall/events within a 50 mile radius. Paragraph C.2.q will introduce a new use classification for paratransit autos

- Rule 133 would be amended to define the requirements needed for an ambulance to qualify for the classification and eliminate the non-emergency classification
- Rule 141 is editorial to specify the use of the applicable rating band

The listed proposed amendments have been submitted by CAARP to amend several Sections of the CAARP Plan of Operations, amend Name and/or Ownership Form, and include a Sample Servicing Carrier Business Plan:

- Section 14 would be amended to introduce a new statistical data reporting requirement for the estimation of voluntary and AIP fulfillment data.
- Section 16 would be amended to introduce new language stating that the appellant must remit all undisputed premium to the insurer when billed
- Section 20 and 47 would be amended to delete language pertaining to returning policy change requests if the deposit check is absent or is for an insufficient amount.
- Sections 23 and 41 would be amended to delete odometer readings and license plate numbers requested on private passenger and commercial applications
- Sections 37 and 54 would be amended to revise the procedure for renewal policies not written on the installment premium payment option and to introduce the postmark date requirement to determine timeliness of the renewal payment for both private passenger and commercial risks
- Section 41 and 43 would be amended to delete references to uninsured motorist property damage coverage
- Section 40 would be amended to clarify that Risk Purchasing Groups are not eligible for CAIP
- In response to OAL's request, CAARP has included Name and/or Ownership Change Form and CAIP servicing carrier selection criteria

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the proposed regulation will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

IMPACT ON SMALL BUSINESS

The matter proposed herein will affect insurance companies and therefore will not affect small business. (Gov. Code Section 11342.610(b)(2)). However, certain bingo buses and ambulance services can expect premium changes.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposal would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

PLAIN ENGLISH

The proposed changes describing CAARP's proposals are in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed amendment in addition to the Informative Digest included in this notice. The Initial Statement of Reasons and this Notice of Proposed Action are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A final statement of reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the final statement of reasons will be made available for inspection and copying once it has been prepared. A copy of the final statement of reasons will also be posted on the Department's web site.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's proposed amendments, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

If the Department amends the proposed regulations with changes that are sufficiently related to the original text, the Department will make the full text of the amended regulations, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended regulations.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CURRENT INBOARD AND STERNDRIVE BOAT REGULATIONS

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adopting amendments to the California regulations and test procedures for new 2007 and later spark-ignition (gasoline) inboard and sterndrive pleasurecraft. The amendments would allow engine manufacturers an option to delay the introduction of the 5.0 gram per kilowatt-hour (g/kWx-hr) standard for combined hydrocarbon and oxides of nitrogen (HC+NOx) currently required for 45 percent of engines sold in model year 2007. Manufacturers choosing to certify to this option would thereafter be required to certify 100 percent of engines sold in the 2008 and later model years to the 5.0 g/kW-hr HC+NOx standard; this full 100 percent phase-in would be one year earlier than currently required. Additionally, the manufacturers certifying to this option would be required to implement a supplemental means of emission control in 2007 to compensate for the shortfall in emission benefits that year. This notice summarizes the proposed regulatory amendments. The staff report presents the proposed amendments in greater detail.

DATE: November 17, 2005

TIME: 9:00 a.m.

PLACE: California Environmental
Protection Agency
Air Resources Board
Central Valley Auditorium
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., November 17, 2005, and may continue at 8:30 a.m., November 18, 2005. This item may not be considered until November 18, 2005. Please consult the agenda for the meeting, which will be available at least 10 days before November 17, 2005, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of amendments to sections 2111, 2112, 2441, 2442, 2444.2, 2445.1, 2446, and 2447, title 13, California Code of Regulations (CCR), and to the following document incorporated by reference therein: "California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines," as last amended June 7, 2002.

BACKGROUND

Health and Safety Code sections 43013 and 43018 direct ARB to achieve the maximum feasible and cost-effective emission reductions from all mobile source categories, including marine pleasurecraft engines, through the setting of emission control and other requirements.

On July 26, 2001, the Board amended the spark-ignition marine regulations (title 13, CCR, section 2440 et. seq.) to include inboard and sterndrive engines. Those amendments included the adoption of two sets of exhaust standards and the incorporation of on-board diagnostics for inboard and sterndrive engines. The first set of standards capped HC+NOx emissions at a 16.0 g/kW-hr level for all 2003 through 2006 model year engines. This is equivalent to California's most stringent exhaust standard for engines used in personal watercraft and outboard boats. The second set of standards required the phase-in of a catalyst-based 5.0 g/kW-hr HC+NOx standard for model years 2007 through 2009. The percentages of phase-in engines that are required to meet the 5.0 g/kW-hr HC+NOx standard are 45-percent for 2007, 75 percent for 2008, and 100 percent for 2009 and later model years. Additionally, the incorporation of on-board diagnostics (OBD-M) was required for the phase-in engines beginning in 2007.

On October 24, 2004, staff presented to the Board its status review of the 2001 Inboard/Sterndrive rulemaking at its meeting at the San Joaquin Valley Unified Air Pollution Control District in Fresno, California. There the marine industry expressed concerns regarding the timeframe for introducing engines meeting the 5.0 g/kW-hr HC+NOx standard and demonstrating the compliance of engines with rated power levels greater than 373 kW (500 horsepower). Industry representatives also requested a

revision to the OBD-M requirements such that the catalyst monitoring portion would be postponed until the 2012 model year. As this was a non-regulatory update to the Board, no Board action was taken. However, the Board requested staff to continue following industry's progress in developing the technology to comply with the 5.0 g/kW-hr HC+NOx standard, and, if necessary, to return to the Board to propose reasonable relief provisions.

Description of the Proposed Regulatory Action:

Staff is proposing amendments to California's existing Inboard/Sterndrive regulations to provide industry with additional lead-time for complying with the 5.0 g/kW-hr HC+NOx exhaust standard, while preserving the emission benefits of the existing regulation. The amendments would allow engine manufacturers to choose from two implementation options to comply with the Inboard/Sterndrive standards. This is intended to reduce the cost of compliance to the industry by giving each manufacturer an opportunity to choose a deployment strategy best suited to its production roll-out plan. The first option proposed by staff allows manufacturers to comply with the existing Inboard/Sterndrive regulations. The second option allows manufacturers to replace the current 2007–2009 phase-in of the 5.0 g/kW-hr HC+NOx standard with full compliance by all engines in 2008, one year earlier than currently required. Manufacturers certifying to the second option would also be required to achieve additional reductions of HC and/or NOx in 2007 to compensate for the loss of emission benefits in that year.

The proposed amendments would also allow marine engine manufacturers to comply with the 5.0 g/kW-hr HC+NOx standard for engines with power ratings above 373 kW by averaging emissions with those of engines less than or equal to 373 kW, which would need to meet the fixed 5.0 g/kW-hr HC+NOx standard. Furthermore, industry would be allowed a choice to certify engines with power ratings greater than 485 kW (650 horsepower) by either providing actual emissions test data or by opting to use a default value of 30.0 g/kW-hr HC+NOx. These changes may reduce the cost of compliance for large engines without reducing the benefits of the current regulation.

A marine engine manufacturer would decide which option to use. If any manufacturer determines that compliance with the existing regulation (Option 1) is more economically advantageous than the proposed amendments, that manufacturer may continue to comply with the existing regulation. Therefore, staff's proposed changes are not expected to impact implementation costs in a negative manner, but would likely benefit engine manufacturers by providing them with additional lead-time to comply with the 5.0 g/kW-hr HC+NOx exhaust standard. A full description of the

proposed amendments is presented in the "Staff Report: Initial Statement of Reasons," as described below.

COMPARABLE FEDERAL REGULATIONS

In August 2002, the United States Environmental Protection Agency (U.S. EPA) announced a proposed rulemaking aimed at controlling evaporative emissions from spark-ignition marine engines (including inboards, sterndrives, personal watercraft, and outboards; 67 FR 53049 (August 14, 2002)). However, the proposal did not address exhaust emission standards for inboard and sterndrive engines. Staff has since been told by U.S. EPA that it intends to promulgate exhaust emission standards equivalent to those required by California; U.S. EPA would also include an evaporative emission standard. Staff anticipates a final federal rule sometime in early 2007 and the implementation of the standards after some period of lead-time beyond that date.

BENEFITS OF THE PROPOSAL

Staff's proposed amendments do not require manufacturers to generate additional emission benefits, nor do they permit a decrease in benefits. The current and proposed amended regulations are expected to reduce HC+NO_x emissions by 56.8 tons per day, in 2020. Staff expects no net change in implementation costs from those identified in the 2001 rulemaking, because an engine manufacturer may continue to comply with the existing regulation. Presumably, a manufacturer would choose the proposed option only if it was within its financial interests to do so. Therefore, the existing regulation remains an upper bound for cost-effectiveness, which is a favorable \$2.08 to 3.39/lb HC+NO_x reduced. The proposal would benefit manufacturers by providing additional flexibility, and may also benefit consumers if the flexibility results in reduced prices.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Staff Report: Initial Statement of Reasons for Rulemaking: Public Hearing to Consider Amendments to the Current Inboard and Sterndrive Boat Regulations."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and ~~strikeout~~ format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors

and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on November 17, 2005.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Scott Rowland, at (626) 575-6676 or srowland@arb.ca.gov, or Mr. Jeff Lowry, at (626) 575-6841 or jlowry@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/boatregs/boatregs.htm

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary costs or savings to state or local agencies. The ARB may incur additional implementation or enforcement costs at some future time.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not affect small businesses because there will be no incremental cost, or an insignificant cost, associated with staff's proposal in addition to those already needed to comply with the federal regulation.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulation that apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the board or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, November 16, 2005**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: boatregs@listserv.arb.ca.gov, and received at the ARB **no later than 12:00 noon, November 16, 2005**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, November 16, 2005**.

The Board requests but does not require 30 copies of any written submission. Also, the ARB requests that written, facsimile and e-mail statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory amendment is proposed under the authority granted in sections 39515, 39600, 39601, 43103, 43018, 43101, 43102, 43104, 43105, 43806, and 44036.2 of the Health and Safety Code. Sections 27156, 28114, and 38395 of the Vehicle Code. This action is proposed to implement, interpret, or make specific, sections 39002, 39003, 39500, 39667, 43000, 43004, 43008.6, 43009.543013, 43016, 43017, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43107, 43150-43154, 43202, 43205-43205.5, 43206, 43210, 43211, 43212, 43213, 43806, and 44036.2 of the Health and Safety Code. Sections 27156, 28114, 38391, and 38395 of the Vehicle Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantive or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990 or at the following website www.arb.ca.gov/regact/boatregs/boatregs.htm.

TITLE 16. BOARD OF BEHAVIORAL SCIENCES

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Handlery Hotel, 351 Geary Street, San Francisco, California, 94102, at 1:00 p.m. on Thursday, November 17, 2005.

Written comments must be received by the Board at its office including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this notice not later than 5:00 p.m. on November 14, 2005, or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 125.9, 148, 149, 4980.60, 4987 and 4990.14, Business and Professions Code, and to implement, interpret, or make specific Sections 125.9, 136, 148, 149, 480, 651, 654.2, 703, 728, 4980, 4980.02, 4980.30, 4980.43, 4980.44, 4980.45, 4980.46, 4980.48, 4982, 4982.25, 4984, 4986.10, 4986.50, 4986.70, 4987.7, 4987.8, 4987.9, 4988, 4988.1, 4988.5, 4992.3, 4992.36, 4996, 4996.5, 4996.7, 4996.8, 4996.9, 4996.16, 4996.18, 4996.19, 4996.20, 4998.2, 4998.3 and 4998.4 of the Business and Professions Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

The Board proposes to adopt amendments to Section 1886.40 in Title 16 of the California Code of Regulations (CCR). This section pertains to the Board's citation and fine program for Marriage and Family Therapists (MFT), Licensed Clinical Social Workers (LCSW), and Licensed Educational Psychologists (LEP).

Section 1886.40 currently permits the issuance of a citation for a violation of the MFT, LCSW, or LEP practice acts as specified, and sets the range of fines from a minimum of \$100 to a maximum of \$2,500 per

investigation. Citations are generally issued for violations of sufficient severity to warrant an enforcement action by the Board but which are not severe enough to warrant disciplinary action. Citations may also be issued for unlicensed practice in which case the Board (by definition) does not have the authority to pursue disciplinary action.

This citation program is based on Business and Professions Code Sections 125.9 and 148 that permit boards and bureaus in the Department of Consumer Affairs to implement such a program through regulations. Those statutes were originally created with a maximum fine of \$2,500 per investigation. However, that amount was recently increased to \$5,000 via Senate Bill 362 (Chapter 788, Statutes of 2003), in order to preserve the deterrent effect of the fine.

Consistent with that legislative change, the proposed regulation amending Section 1886.40, would allow fines of up to \$5,000 in the circumstances listed below:

1. The cited person has a history of two or more citations for similar violations.
2. The citation involves multiple violations that demonstrate willful disregard of the law.
3. The violation is perpetrated against a senior citizen, minor, or disabled person.
4. The violation involves unlicensed activity
5. The violation involved an impermissible breach of confidentiality.

The proposal also includes language consistent with Business and Professions Code Section 125.9(a)(3) that allows the Board to issue a fine not to exceed \$5,000 if the violation involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare.

The proposal also makes some minor additions including providing definitions for "citable offense," "disabled person," "senior citizen," and eliminating the list of violations included in the current regulation to ensure clarity and consistent application of the regulation.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The Board of Behavioral Sciences will incur an unknown amount of minor costs for Attorney General and Office of Administrative Hearings expenses. The Board may also have an unknown amount of minor revenue increase based on the number of fines levied. There are no costs/savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: Draft board meeting minutes dated May 20, 2005, citation and fine program data from fiscal years 00/01 through 04/05, and citation appeal data.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses: The proposed regulations will not have an adverse economic impact on business. The proposed regulations will affect individuals who are assessed a citation and fine due to a violation. The Board issued an average of 29 citations with fines per year from the 2000/2001 through 2004/2005 fiscal years. The average fine is \$918. However, it is impossible to predict the amount of increase due to the variability in number and type of citations with fines issued per year.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not have any effect on small businesses because this proposal would only impact individuals who commit one of the specific violations addressed by this proposal and are issued a citation and fine by the Board.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing or to the address listed under Contact Person.

CONTACT PERSON

General or substantive inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Christy Berger
Address: 400 R Street, Suite 3150
Sacramento CA 95814
Telephone: 916-445-4933, extension 1142
Fax: 916-323-0707
Email: christy_berger@dca.ca.gov

OR

Name: Paul Riches
Address: 400 R Street, Suite 3150
Sacramento CA 95814
Telephone: 916-445-4933
Fax: 916-323-0707
Email: BBSWebMaster@bbs.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL AND AVAILABILITY OF MODIFIED TEXT

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Contact Person listed above.

If the regulations adopted by the Board differ from and are substantially related to the action proposed, the text of the proposed regulations with changes clearly indicated will be made available to the public for 15 days prior to the date of adoption.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection from the Contact Person listed above.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Contact Person named above or by accessing the website listed below.

WEBSITE ACCESS

Materials regarding this proposal can be found at www.bbs.ca.gov.

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

NOTICE OF PROPOSED REGULATORY ACTION AND PUBLIC HEARING CONCERNING THE OFFICIAL AUTOMOTIVE REPAIR DEALER'S SIGN

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs/Bureau of Automotive Repair (hereinafter "Bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at hearings to be held at the following locations on the following dates:

Southern California

November 16, 2005

9:30 a.m.

Bureau of Automotive Repair
1180 Durfee Avenue, Suite 120
Conference/Training Room
South El Monte, CA 91733

Northern California

November 18, 2005

9:30 a.m.

Bureau of Automotive Repair
10240 Systems Parkway
Executive Conference Room
Sacramento, CA 95827

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on November 18, 2005, or must be received by the Bureau at the above referenced hearings. The Bureau, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 9882 of the Business and Professions Code; and to implement, interpret or make specific Sections 9880.3, 9884.6 and 9884.17 of the Business and Professions Code; the Bureau is proposing to adopt the following changes to Chapter 1 of Division 33 of Title 16 of the California Code of Regulations:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Bureau of Automotive Repair (Bureau) was established within the California Department of Consumer Affairs in 1972. The Bureau was created by Chapter 1578, Statutes of 1971 (SB 51, Beilenson), which mandated a statewide consumer protection program for automotive repair. Recently, Chapter 107, Statutes of 2002 (AB 269, Correa) added Section 9880.3 to the Automotive Repair Act (Bus. & Profs. Code, Div 3, Ch. 20.3, § 9880, et seq.), reinforcing and declaring that protection of the public shall be the highest priority of the Bureau in exercising its licensing, regulatory, and disciplinary functions.

Through its statewide offices, the Bureau conducts consumer protection services related to automotive repair. Bureau representatives register and regulate automotive repair dealers, accept and mediate auto repair complaints from the public, investigate violations of the Automotive Repair Act and, when appropriate, refer cases to law enforcement authorities for prosecution.

The display of the official automotive repair dealer sign is but one way of informing the public of their basic rights in transactions with automotive repair dealers, but it is an important and effective one. In addition, it is a simple and effective means of informing the public of the Bureau's existence and of how to contact it. Displaying the sign in the automotive repair facility, in a manner conspicuous to customers, places this information before them at a time and in a place, when the consumer is most receptive to and possibly in most need of, that information.

Government has begun to recognize, more and more, the advantages of "E-Commerce" in today's technological society. Many consumers today either have or have access to, computers and e-mail. Many automotive repair dealers also have the same technology available. It is becoming more and more common today for consumers to communicate electronically. For several years, the Bureau has maintained its own Web site filled with important consumer information. This Web site now includes several interactive forms, including a consumer complaint form that permits consumers to file complaints electronically. In order to further assist consumers in communicating with the Bureau, it is important to publicize the various means available to contact it. One way is the display of the automotive repair dealer sign and the inclusion of the Bureau's Web site address in that sign. The recent amendment of Business and Professions Code section 9884.17 (Chapter 572, Statutes of 2004 (SB 1542, Figueroa)) now mandates the inclusion of the bureau's Web site address in the sign which necessitates its redesign.

Some automotive repair dealers offer, as a convenience to their customers, pick up and delivery service. In those instances where the customer's vehicle is picked up, the customer may never go to the dealer's facility and, therefore, has no opportunity to view a posted sign. There are also a number of automotive repair dealers that do not maintain a fixed location repair facility, but go to the customer's location (i.e., home or office) to provide on-site service and repairs. In those instances there is no facility, per se, in which to display the sign. The sign could and currently should, be displayed on the automotive repair dealer's vehicle, but the customer may never actually see or come into contact with that vehicle. Therefore, in all of the foregoing situations it is important that the customer be provided with a copy of the sign in order to be fully and properly informed of his or her rights and the options for resolving conflicts.

CURRENT REGULATION

Existing regulations in the California Code of Regulations, Title 16, Division 33, Chapter 1, Article 6, are summarized as follows:

1. Section 3351.3 provides that all "dealers" shall display, in a place and manner conspicuous to all customers, a current and valid certificate of registration issued by the Bureau and an official automotive repair dealer's sign that complies with certain specifications.
2. Section 3351.4 establishes the specifications for the official automotive repair dealer's sign, which include the dimensions, material, color, paint, surface preparation, print and State Seal. This section provides that the Bureau may require replacement of any sign that does not comply with the established specifications or that is no longer legible. Specific examples of the content and specifications of the sign are incorporated into this section in Figures 1 and 2, respectively.

EFFECT OF REGULATORY ACTION

The proposed action will make the following changes to the existing regulations described above:

1. Section 3351.3 will be amended to clarify that the provisions of this section are applicable to all automotive repair dealers, including automotive repair dealers that either occasionally or exclusively transact business at other than a fixed location. The amendments include a requirement, in addition to the display of the sign in an automotive repair dealer's facility, of providing a copy of the sign to a customer, as specified.

Other minor technical, grammatical and conforming changes are also proposed.

2. Section 3351.4 will be amended to change the content of the official automotive repair dealer sign by the addition of Figure 3. In addition, Figure 4 will also be added in order to conform the dimensions of the sign to the revised text layout. The most significant content change is the addition of the Bureau's Web site address to the text of the sign.

Another change involves modification of the five items listed and categorized as customer entitlements under the Automotive Repair Act (Act). In fact, only the first three items are entitlements under the Act. The last two items are suggestions as to how a customer should pursue questions about their rights and the work performed by the automotive repair dealer.

The material, color, paint, print and other requirements, other than text content and layout dimensions, will remain unchanged.

These amendments will set a transition date for the replacement of all existing signs of June 30, 2006. However, provision is included that will allow automotive repair dealers that are currently registered on the transition date, to comply without replacing their previously complying signs. Those dealers, should they choose to, may comply by displaying a supplementary sign, containing the Bureau's Web site address, immediately below their previously displayed sign.

Other minor technical, grammatical and conforming changes are also proposed.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to Any Local Agency or School district for Which Government code Section 17561 Requires Reimbursement: None.

Businesses Impact: The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

In a 2003 statewide telephone survey of 37 sign vendors conducted by Bureau staff, the average cost of a replacement sign was found to be \$37.80. In a subsequent 2005 survey of 39 sign vendors, the average cost of a new sign was determined to be \$33.10.

Automotive repair dealers that are currently registered on the transition date for replacement of the sign will have the option of displaying a supplemental sign immediately below their previously compliant sign. Based on the information obtained in the two surveys (2003 and 2005) it is estimated that the average cost of a supplemental sign will be no more than \$10.00.

Automotive repair dealers will also be required to give a copy of the sign to each customer with whom they conduct business off-site. The sign may be reproduced from Figure 3, which can be obtained from the Bureau-published Laws and Regulations booklet or printed from the CD-ROM supplied with that publication. The required identifying information for the dealer may be added with an appropriate rubber stamp before reproduction. The initial cost to an automotive repair dealer that conducts an exclusively *mobile* business, including a rubber stamp and a year's supply of copies of the sign, is estimated to be approximately \$139.80. The ongoing cost after the first year is estimated to be approximately \$124.80.

Impact on Jobs/New Businesses: The Bureau has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

Effect on Small Business: The Bureau has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative to the regulation would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is

based, may be obtained at the hearing or prior to the hearing upon request from the Bureau at 10240 Systems Parkway, Sacramento, California 95827.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

James Allen, Regulations Analyst
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone: (916) 255-3460
Fax No.: (916) 255-1369
E-mail: jim_allen@dca.ca.gov

The backup contact person is:

Debbie Romani, Staff Services Manager
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone: (916) 255-3460
Fax No.: (916) 255-1369
E-mail: debbie_romani@dca.ca.gov

WEB SITE ACCESS

Materials regarding this proposal can also be found on the Bureau's Web site at www.autorepair.ca.gov.

TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Shelter Pointe Hotel, 1551 Shelter Island Drive, San Diego, California, 92106. The telephone number is 619-221-8000. **The hearing will be held at 1:30 p.m. on Friday, November 18, 2005.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on **Monday, November 14, 2005**, or must be received by the Dental Board of California at the

hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 1614 and 1767 of the Business and Professions Code, and to implement, interpret or make specific Section 1774 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Section 1774 specifies the requirements for licensure as a registered dental hygienist in alternative practice (RDHAP). One of the requirements (subdivision (a)(1)(A)) is that he or she has been “engaged in clinical practice as a dental hygienist for a minimum of 2,000 hours during the immediately preceding 36 months.”

At the time that Section 1774 was enacted (January 1, 1998—AB560), there was no statutory definition of what constitutes the practice of dental hygiene. Section 1760.5 which defines the practice of dental hygiene was enacted several years later (January 1, 2003—SB1955). Due to Legislative oversight Section 1774 was not amended at the same time to include the comprehensive definition of dental hygiene practice.

Amend 16 California Code of Regulations, Section 1079.2

The purpose of the proposed change is to clarify the meaning of the term “clinical practice” as it pertains to the requirements that a person must meet to obtain a registered dental hygienist in alternative practice (RDHAP) license.

The amendments would clarify that the term “clinical practice” is not limited to private practice in dental offices. This change is necessary because there has been inconsistency and confusion as to what duties in the practice of registered dental hygiene are considered “clinical” for purposes of accruing hours to qualify for licensure as an RDHAP. This amendment would clarify that registered dental hygienists (RDHs) who provide dental hygiene services in all settings, including public health settings and educa-

tional programs, may apply the hours that they practice dental hygiene, as defined in Business and Professions Code Section 1760.5, towards the required 2,000 hours of clinical practice required for licensure as a RDHAP.

The proposed changes would also eliminate the provision that allows credit for 1,000 hours of hygiene clinical instruction toward the 2,000 hours of practice required for RDHAP licensure because it would no longer be necessary based on the above-described amendment.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Dental Board of California has determined that this regulatory proposal would not have any adverse impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Dental Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulation would not affect small businesses because this proposal only changes the qualifications for individual RDHAP licensure.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which it considers or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Donna Kantner
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825
Telephone: (916) 263-2300, ext 2308
Fax Number: (916) 263-2140
E-Mail Address: Donna_Kantner@dca.ca.gov

The back-up contact person is:

Name: Karen Wyant
Address: 1428 Howe Avenue, Suite 58
Sacramento, California 95825
E-Mail Address: Karen_Wyant@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Donna Kantner (916) 263-2300, ext. 2308.

WEBSITE ACCESS

Materials regarding this proposal can be found at www.dbc.ca.gov

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF PROPOSED AIRBORNE TOXIC CONTROL MEASURE FOR CRUISE SHIP ONBOARD INCINERATION

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adopting a regulation to reduce the public exposure to toxic air contaminants emitted from cruise ship onboard incineration at California ports and terminals and along the California coast.

DATE: November 17, 2005
TIME: 9:00 a.m.
PLACE: California Environmental
Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the ARB, which will commence at 9:00 a.m. on Thursday, November 17, 2005, and may continue at 8:30 a.m., Friday, November 18, 2005. This item may not be considered until November 18, 2005. Please consult the agenda for the meeting, which will be available at least ten days before November 17, 2005, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to www.arb.ca.gov/html/ada/ada.htm for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of title 17, California Code of Regulations (CCR) section 93119. Adoption of the National Oceanic and Atmospheric Administration (NOAA) Nautical Charts: Chart Number 18600—*Trinidad Head to Cape Blanco* [January 2002], Chart Number 18620—*Point Arena to Trinidad Head* [June 2002]), Chart Number 18640—*San Francisco to Point Arena* [July 2000], Chart Number 18680—*Point Sur to San Francisco* [March 2001], Chart Number 18700—*Point Conception to Point Sur* [July 2003], Chart Number 18720—*Point Dume to Purisima Point* [January 2005], and Chart Number 18740—*San Diego to Santa Rosa Island* [August 2003]), incorporated by reference in title 17, CCR section 93119(d)(10).

BACKGROUND

In 2004, Assembly Bill 471 (AB 471) was passed by the California Legislature, signed by the Governor, and codified in Health and Safety Code (HSC) section 39630 *et seq.* AB 471 prohibits cruise ships from conducting onboard incineration while operating within three miles of the California coast, but does not specifically say how the three-mile limit is to be applied. This law became effective January 1, 2005. By prohibiting incineration within three miles of the California coast, the potential for adverse public health impacts will be reduced for residents and off-site workers who live or work near ports and along the coast. AB 471 is expected to reduce exposure to emissions of toxic air contaminants, such as polychlorinated dibenzodioxins (dioxins), polychlorinated dibenzofurans (furans), and toxic metals. The ARB staff is proposing this airborne toxic control measure (ATCM) to implement AB 471, clarify where the three-mile limit is, and help ensure that AB 471 is adequately enforced. There are currently no local air district or State regulations for cruise ship onboard incinerators.

DESCRIPTION OF THE PROPOSED REGULATORY ACTION

The proposed ATCM would affect owners or operators of cruise ships that travel within three miles of the California coast, including while at California ports or terminals. Based on 2004 data, 11 cruise ship lines had approximately 45 vessels that entered one or more California ports. To meet the definition of a cruise ship, the vessel must have the capacity to carry 250 or more passengers and must have berths or overnight accommodations for passengers.

Under the proposed ATCM, cruise ship owners or operators are prohibited from conducting onboard incineration within three miles of the California coast. The phrase "within three miles of the California coast" is defined in the ATCM as between the California coast and the Three Nautical Mile Line, as shown on the following National Oceanic and Atmospheric Administration Nautical Charts, as authored by the NOAA Office of Coast Survey, which are incorporated by reference in the proposed regulation.

- Chart 18600, Trinidad Head to Cape Blanco (January 2002).
- Chart 18620, Point Arena to Trinidad Head (June 2002).
- Chart 18640, San Francisco to Point Arena (July 2000).
- Chart 18680, Point Sur to San Francisco (March 2001).
- Chart 18700, Point Conception to Point Sur (July 2003).

- Chart 18720, Point Dume to Purisima Point (January 2005).
- Chart 18740, San Diego to Santa Rosa Island (August 2003).

In addition, the proposed ATCM requires cruise ship owners or operators to maintain records containing the following information for each segment of a voyage if, during any portion of that segment, the cruise ship travels within three nautical miles of the California coast.

- The date and time of start and stop of incineration (in local time).
- The position of the ship in latitude and longitude for each start and stop time of incineration.
- The estimated amount incinerated in cubic meters (m³).
- The name or signature of officer in charge of the operation.

Records shall be maintained in English and kept onboard the cruise ship for two years. During an onboard inspection, these records shall be made available to ARB personnel, district personnel, or their delegates. In addition, upon written request by the Executive Officer of the ARB or Air Pollution Control Officer from a district, the owner or operator of the cruise ship shall provide copies of the records within 30 calendar days of the request.

The recordkeeping requirements in the proposed ATCM are also required under Regulation 9 of Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78). Cruise ships currently maintain this information in a garbage record log book.

COMPARABLE FEDERAL REGULATIONS

The International Maritime Organization (IMO) is a specialized agency of the United Nations which is responsible for measures to improve the safety and security of international shipping and to prevent marine pollution from ships. The IMO, along with other maritime nations, has developed standards that are set forth in the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78). MARPOL 73/78 is a combination of two treaties adopted in 1973 and 1978 and has been updated by amendments over the years. MARPOL 73/78 includes six technical annexes which include regulations aimed at preventing and minimizing pollution from ships. Compliance with MARPOL 73/78 is mandatory.

MARPOL 73/78 contains two regulations for onboard cruise ship incinerators. Annex V primarily deals with garbage recordkeeping requirements for onboard incineration. Annex VI prohibits the incineration of certain wastes and imposes additional operating requirements for the incinerators. MARPOL 73/78 is

implemented in the United States by the Act to Prevent Pollution from Ships (33 U.S.C. section 1901 *et seq.*). The United States Coast Guard is responsible for prescribing and enforcing regulations pursuant to MARPOL 73/78. The proposed ATCM does not differ substantially from the incinerator and recordkeeping requirements of MARPOL 73/78.

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), is responsible for regulations and policies governing the handling and disposal of regulated garbage to prevent the introduction of foreign animal and plant disease and pests. These regulations are contained in title 7, Code of Federal Regulations (CFR), section 330.400 and title 9, CFR section 94.5. "Regulated garbage," as defined by the CFR, is derived in whole or in part from fruits, vegetables, meats, or other plants or animal material, and other refuse associated with the material onboard, including food scraps, table refuse, galley refuse, food wrappers or packing materials and other waste material from stores, food preparation areas, passenger or crew quarters, dining rooms and other areas. Most of the regulated garbage onboard cruise ships are subject to APHIS regulations.

Under APHIS regulations, regulated garbage within the territorial waters or the territory of the United States is required to be destroyed by incineration to an ash or sterilization by cooking to an internal temperature of 212 degrees Fahrenheit for 30 minutes. Regulated garbage may also be ground and disposed of in an APHIS approved sewer system.

The proposed ATCM differs from the APHIS regulations in that APHIS allows incineration within territorial waters (within 12 nautical miles of the coast), while the proposed ATCM prohibits incineration within 3 nautical miles of the coast.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled, "Staff Report: Initial Statement of Reasons for the Proposed Airborne Toxic Control Measure for Cruise Ship Onboard Incineration."

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on the ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing (November 17, 2005).

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be

requested from the agency contact persons in this notice, or may be accessed on the website listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Richard Boyd, Manager of the Emissions Evaluation Section, Emissions Assessment Branch, Stationary Source Division at (916) 322-8285 and Michelle Komlenic, Air Pollution Specialist, Stationary Source Division at (916) 322-3926.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/csoi/csoi.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Executive Officer of the ARB concerning the cost or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

The ARB's Executive Officer has determined that the proposed regulatory action will create costs, as defined in Government Code section 11346.5(a)(6), to State agencies. Any such costs should be minimal, and affected State agencies should be able to absorb these costs within existing budgets and resources. The Executive Officer has also determined that the proposed regulatory action will not create costs or savings in federal funding to the State, costs or mandate to any local agency or school district whether or not reimbursable by the State pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary cost or savings to State or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This is because Health and Safety Code section 39632, enacted by AB 471, already prohibits onboard incineration on cruise ships while operating within three miles of the California Coast,

and MARPOL 73/78 already requires maintenance of the records proposed to be required.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not affect small businesses because the affected industry is composed of only large businesses.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the ATCM which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the ARB must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions must be received **no later than 12:00 noon, November 16, 2005**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: csoi@listserv.arb.ca.gov and received at the ARB **no later than 12:00 noon, November 16, 2005**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, November 16, 2005**.

The Board requests but does not require 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted to the ARB in the Health and Safety Code sections 39516, 39600, 39601, 39631, 39632, 39650, 39656, 39658, 39659, 39666, 40000, 41700, and 41510. This action references Health and Safety Code sections 39630, 39631, 39632, 39650, 39656, 39659, 39666, 41700, and 41806.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

TITLE 18. BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code and section 30451 of the Revenue and Taxation Code, proposes to amend Regulations 4055, 4056, 4057, 4058, 4059, 4060, and 4061, in

Title 18, Division 2, Chapter 9, of the California Code of Regulations, relating to Cigarette and Tobacco Products Tax Law. A public hearing on the proposed regulations will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on Tuesday, November 15, 2005. At the hearing, any person interested may present statements or arguments orally. The Board will consider written statements or arguments if received by November 15, 2005.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board proposes to amend the Cigarette and Tobacco Products Regulations as follows:

Regulation 4055 specifies that licensed distributors can purchase tax stamps at locations designated by the Board. The proposed amendment requires that tax stamps be purchased by licensed distributors through stamp orders submitted to the Board and to specify that tax stamp orders must include the distributor's account number, name and address, the quantity of stamps for each denomination, order date, and signature of the authorized purchaser.

Regulation 4056 specifies that heat applied tax decal stamps are sold in certain size rolls or on sheets, in minimum sale units of one roll or one sheet, for certain denominated values. The proposed amendment reflects that cigarette stamps designated for packages containing 10 cigarettes, 20 cigarettes and 25 cigarettes will be sold in rolls containing 1,200 or 30,000 stamps and stamps will be sold in full rolls only and the smallest sale unit is one roll.

Regulation 4057 specifies that every distributor desiring to purchase tax stamps for cash shall file a "Cigarette Tax Signature Card" on an approved form by the Board, with the designated location at which the distributor will make cash purchases of tax stamps. The proposed amendments provide that distributors desiring to purchase the new tax stamps must file an application to register the individual authorized to purchase cigarette stamps. The distributor shall identify and authorize in writing the individual(s) who may order stamps for this distributor's account and include the signature of the individual(s) authorized to submit the tax stamp order. A separate application is required for each individual(s) authorized to order cigarette tax stamps. Additional proposed amendments reflect that the distributor's authorization for individual(s) to purchase stamps shall continue in effect until written notice of revocation of the authority is delivered to the Board by registered mail or until written acknowledgment of receipt of the revocation is given by the Board.

Regulation 4058 describes the current requirements for distributors to purchase tax stamps on the deferred payment basis. The proposed amendment clarifies

requirements for distributors that may elect, under Rev. & Tax. Code § 30168, to make payments on a twice-monthly basis.

Regulation 4059 specifies that the Board shall give written authorization for the amount of deferred payment purchases a distributor may have unpaid at any time to the distributor and the designated location where such purchases are to be made. In addition, the regulation specifies that before making a deferred payment purchase of tax stamps, distributors shall file a "Cigarette Tax Signature Card", which the distributors must use to authorize in writing those individuals who may order and purchase tax stamps for this distributor's account. The proposed amendment clarifies that the distributor shall file an application to register the individual(s) authorized to order cigarette tax stamps on behalf of the distributor. The distributor shall identify and authorize in writing the individual(s) who may place orders to make purchases of tax stamps for this distributor's account and include the signature of the individual(s) authorized to submit cigarette tax stamp orders. If a distributor wishes to allow multiple individuals to submit orders, a separate application form shall be submitted for each individual.

Regulation 4060 describes the current requirements for distributors to remit payments for deferred purchases of tax stamps made during each calendar month. The proposed amendment reflects that payment for all deferred purchases of tax stamps or meter register settings made during each calendar month must be made to the Board or the Board's designee by the 25th day of the calendar month following the month in which the purchases were made.

Regulation 4061 describes the present procedures and process used to credit a distributor the denominated value less the purchase discount of any identifiable heat-applied decal tax stamps which are returned to the Board, and the definition and criteria for validating an unused heat-applied decal stamp. The proposed amendment defines and describes the criteria for when the new tax stamp, designed in accordance with the provisions of Rev. & Tax. Code § 30162, will qualify as an unused stamp.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed amendments do not impose a mandate on local agencies or school districts. Further, the Board has determined that the amendments will result in no direct or indirect cost or savings to any State agency, any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code or other non-discretionary cost or savings imposed on local agencies, or cost or savings on Federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5(a)(7), the State Board of Equalization makes an initial determination that the amendments will clarify the application of the Cigarette and Tobacco Products Tax Law and will have no significant statewide adverse economic impact directly affecting businesses.

The amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The proposed amendments may affect small business.

The amendments will not be detrimental to California businesses in competing with businesses in other states.

**COST IMPACT ON PRIVATE PERSONS
OR BUSINESSES**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Regulations 4055, 4056, 4057, 4058, 4059, 4060, and 4061 and the proposed amendments have no comparable federal regulations.

AUTHORITY

Section 30451, Revenue and Taxation Code

REFERENCES

Sections 30142, 30161, 30162, 30166, 30167, 30168, 30169, and 30176 of the Revenue and Taxation Code.

CONTACT

Questions regarding the substance of the proposed regulation should be directed to Ms. Monica Gonzalez Brisbane, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0082, e-mail Monica.Brisbane@boe.ca.gov or by telephone at (916) 322-0438.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Ms. Diane Olson, Regulations Coordinator, telephone (916) 322-9569, fax (916) 324-3984, e-mail Diane.Olson@boe.ca.gov or Ms. Karen Anderson, Contribution Disclosures Analyst, telephone (916) 327-1798, e-mail Karen.Anderson@boe.ca.gov

or by mail at State Board of Equalization, Attn: Diane Olson or Karen Anderson, MIC:80, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080.

ALTERNATIVES CONSIDERED

The Board must determine that no alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed or be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATION**

The Board has prepared a statement of reasons and an underscored version of the proposed amendments. Both of these documents and all information on which the proposal is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments are available on the Internet at the Board's web site <http://www.boe.ca.gov>.

**AVAILABILITY OF FINAL
STATEMENT OF REASONS**

The final statement of reasons will be made available on the Internet at the Board's web site following its public hearing of the proposed amendments. It also will be available for your inspection at 450 N Street, Sacramento, CA 94279-0080.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may adopt the proposed amendments if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for 15 days before adoption of the amendments. The text of any modified regulation will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Ms. Olson. The State Board of Equalization will consider written comments on the modified regulation for 15 days after the date on which the modified regulation is made available to the public.

TITLE 18. BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code, proposes to amend Regulation 1699, Permits, in Title 18, Division 2, Chapter 4, of the California Code of Regulations, relating to sales and use tax. A public hearing on the proposed regulations will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on November 15, 2005. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by November 15, 2005.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law provides that a seller's permit shall not be issued to a retailer's place of business where the retailer merely stores tangible personal property and which customers do not customarily visit for the purpose of making purchases, but at least one permit must be held by every person maintaining stocks of merchandise in this state for sale. Regulation 1699, Permits, is proposed to be amended to interpret, implement and make specific Revenue and Taxation Code section 6066. Amendments are proposed to provide that when a retailer negotiates sales out of state but the goods are shipped from a stock of goods owned by the retailer in this state, a permit is required for the location of the stock of goods.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed amendments and regulations do not impose a mandate on local agencies or school districts. Further, the Board has determined that the amendments and regulations will result in no direct or indirect cost or savings to any State agency, any costs to local agencies or school districts that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code or other non-discretionary costs or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5(a)(8), the Board of Equalization makes an initial determination that the adoption of the amendments to Regulation 1699 will have no significant statewide adverse economic impact directly affecting business.

The adoption of the proposed amendment to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The amendment to the regulation as proposed and the new regulations will not be detrimental to California businesses in competing with businesses in other states.

The proposed regulations may affect small business.

COST IMPACT ON PRIVATE PERSON OR BUSINESSES

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT EFFECT ON HOUSING COSTS No significant effect.

FEDERAL REGULATIONS

Regulation 1699 and the proposed changes have no comparable federal regulations.

AUTHORITY

Section 7051, Revenue and Taxation Code.

REFERENCE

Section 6066 Revenue and Taxation Code.

CONTACT

Questions regarding the substance of the proposed regulation should be directed to Ms. Lisa Andrews (916) 322-5989, at 450 N Street, Sacramento, CA 95814, e-mail Lisa.Andrews@boe.ca.gov or MIC:50, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0050.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Ms. Diane Olson, Regulations Coordinator, telephone (916) 322-9569, fax (916) 324-3984, e-mail Diane.Olson@boe.ca.gov or Ms. Karen Anderson, Contribution Disclosures Analyst, telephone (916) 327-1798, e-mail Karen.Anderson@boe.ca.gov or by mail at State Board of Equalization, Attn: Diane Olson or Karen Anderson, MIC:80, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080.

ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this

action is proposed, or be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an initial statement of reasons and an underscored and strike-out version (express terms) of the proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The Rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation are available on the Internet at the Board's web site <http://www.boe.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The final statement of reasons will be made available on the Internet at the Board's web site following its public hearing of the proposed regulation. It is also available for your inspection at 450 N Street, Sacramento, California.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with the law, adopt the proposed regulations if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulation. The text of any modified regulation will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Ms. Richmond. The State Board of Equalization will consider written comments on the modified regulation for fifteen days after the date on which the modified regulation is made available to the public.

TITLE 18. BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code, proposes to amend Regulation

1802, Place of Sale and Use for Purposes of Bradley-Burns Uniform Local Sales and Use Taxes, in Title 18, Division 2, Chapter 4, of the California Code of Regulations, relating to sales and use tax. A public hearing on the proposed regulations will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on November 15, 2005. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by November 15, 2005.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law provides that a city or county participating in the Bradley-Burns Uniform Local Sales and Use ("Local") Tax system may levy a sales tax on sales consummated within that jurisdiction. Revenue and Taxation Code section 7205(b)(1) provides that if a retailer has no permanent place of business in the state or has more than one place of business, the Board may determine by regulation the place or places at which the retail sales are consummated for the purpose of a local sales tax ordinance.

Regulation 1802, Place of Sale and Use for Purposes of Bradley-Burns Uniform Local Sales and Use Taxes, is proposed to be amended to interpret, implement and make specific Revenue and Taxation Code section 7202. Currently, Regulation 1802 provide that when a retailer has no sales offices in this state but fulfills out-of-state orders from a stock of goods located in this state, the place of sale is the location of the stock of goods. Amendments are proposed to provide that when a retailer negotiates sales out of state but the goods are shipped from a stock of goods owned by the retailer in this state, the sales are consummated at the location of the stock of goods and the local tax revenue derived thereby is to be distributed directly to that location whether or not the retailer has registered business locations in this state.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed amendments do not impose a mandate on local agencies or school districts. Further, the Board has determined that the amendments and regulations will result in no direct or indirect cost or savings to any State agency, any costs to local agencies or school districts that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code or other non-discretionary costs or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5(a)(8), the Board of Equalization makes an initial determination that the adoption of the amendments to Regulation 1802 will have no significant statewide adverse economic impact directly affecting business.

The adoption of the proposed amendment to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The amendment to the regulation as proposed will not be detrimental to California businesses in competing with businesses in other states.

The proposed regulations may affect small business.

**COST IMPACT ON PRIVATE PERSON
OR BUSINESSES**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Regulation 1802 and the proposed changes have no comparable federal regulations.

AUTHORITY

Section 7051, Revenue and Taxation Code.

REFERENCE

Section 7202 Revenue and Taxation Code.

CONTACT

Questions regarding the substance of the proposed regulation should be directed to Ms. Lisa Andrews (916) 322-5989, at 450 N Street, Sacramento, CA 95814, e-mail Lisa.Andrews@boe.ca.gov or MIC:50, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0050. Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Ms. Diane Olson, Regulations Coordinator, telephone (916) 322-9569, fax (916) 324-3984, e-mail Diane.Olson@boe.ca.gov or Ms. Karen Anderson, Contribution Disclosures Analyst, telephone (916) 327-1798, e-mail Karen.Anderson@boe.ca.gov or by mail at State Board of Equalization, Attn: Diane Olson or Karen Anderson, MIC:80, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080.

ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATION**

The Board has prepared an initial statement of reasons and an underscored and strikeout version (express terms) of the proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The Rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation are available on the Internet at the Board's web site <http://www.boe.ca.gov>.

**AVAILABILITY OF FINAL
STATEMENT OF REASONS**

The final statement of reasons will be made available on the Internet at the Board's web site following its public hearing of the proposed regulation. It is also available for your inspection at 450 N Street, Sacramento, California.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with the law, adopt the proposed regulations if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulation. The text of any modified regulation will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Ms. Richmond. The State Board of Equalization will consider written comments on the modified regulation for fifteen days after the date on which the modified regulation is made available to the public.

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE EXHAUST EMISSION STANDARDS FOR 2007–2009 MODEL-YEAR HEAVY DUTY URBAN BUS ENGINES AND THE FLEET RULE FOR TRANSIT AGENCIES

NOTICE OF CONTINUATION

The Air Resources Board (the Board or ARB) will conduct a continuation of a public hearing at the time and place noted below to consider adoption of amendments to the statewide exhaust emission standards and test procedures for urban bus engines and vehicles and to the ARB fleet rule for transit agencies. This amendment, along with specific changes in the Fleet Rule for Transit Agencies addressing transit vehicles in the South Coast Air Quality Management District (SCAQMD), was described in the Notice for the September 15, 2005 rulemaking hearing. At the September 15–16, 2005 hearing, only modifications addressing amendments affecting the SCAQMD transit fleet will be heard by the Board.

DATE: October 20, 2005

TIME: 9:00 a.m.

PLACE: California Environmental
Protection Agency
Air Resources Board
Byron Sher Auditorium, Second Floor
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., October 20, 2005, and may continue at 8:30 a.m., October 21, 2005. This item may not be considered until October 21, 2005. Please consult the agenda for the meeting, which will be available at least 10 days before October 20, 2005, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

BACKGROUND

Staff has identified two policy decisions to be considered by the Board. They are:

- The appropriate emission standards for new 2007 and later model-year urban bus engines, and the potential amendment of ARB's transit fleet rule to require the use of alternative fuel transit buses statewide; and
- The need for Board adoption of a fleet rule requiring the use of alternative fuel buses by the six "diesel path" transit agencies within SCAQMD.

The second policy decision, which affects transit agencies in the SCAQMD only, will be considered by the Board at the September 15–16, 2005 hearing. The first policy decision affects transit agencies throughout the state, and will be considered by the Board at the October 20–21, 2005 hearing.

THE CONTINUED HEARING

The continued hearing will be conducted as described in the original notice, except that written submissions must be addressed to and received by the Clerk of the Board as described below. All comments submitted for the September 15, 2005, hearing will remain part of the rulemaking record. The original notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/sctransit/sctransit.htm and are available as described in the original notice.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon**, October 19, 2005, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: sctransit@listserv.arb.ca.gov and received at the ARB **no later than 12:00 noon**, October 19, 2005.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon**, October 19, 2005.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Ms. Kathleen Mead by email at kmead@arb.ca.gov or by phone at (916) 324-9550, or to Ms. Annette Hebert by email at ahebert@arb.ca.gov or by phone at (626) 575-6973.

AIR RESOURCES BOARD

NOTICE OF PUBLIC MEETING TO CONSIDER PUBLIC COMMENT ON THE JUNE 24, 2005, ARB/RAILROAD STATEWIDE AGREEMENT FOR A PARTICULATE EMISSIONS REDUCTION PROGRAM AT CALIFORNIA RAIL YARDS, AND TO TAKE ACTION AS APPROPRIATE

NOTICE OF RECALENDARING

By Notice dated August 24, 2005, the Air Resources Board (the Board or ARB) announced it would conduct a public hearing to consider public comment on the "ARB/Railroad Statewide Agreement for a Particular Emissions Reduction Program at California Rail Yards" (Agreement). The Agreement was entered into on June 24, 2005, by the BNSF Railway Company, the Union Pacific Railroad Company, and ARB's Executive Officer on behalf of ARB. The hearing was scheduled for September 22, 2005 at 9:00 a.m., at Embassy Suites LAX North, 9801 Airport Blvd., Los Angeles, California 90045.

PLEASE BE ADVISED that the location and date for the hearing has been rescheduled as follows:

DATE: October 27, 2005
TIME: 2:00 p.m.
PLACE: California Air Resources Board
Auditorium
9530 Telstar Avenue
El Monte, CA 91731

This item will be considered at a one-day meeting of the Board, which will consist of two sessions. At the start of the public meeting (2:00 p.m.), staff will present background information about the use of voluntary agreements at ARB and the staff's overall strategy for addressing railroad related emissions. Staff will then describe the circumstances leading to the June 24 Agreement with the railroads and the specific provisions of the Agreement. Following staff's presentation and Board member questions, the proceeding will be opened to public testimony. Staff will recap the afternoon's discussion when the meeting reconvenes after dinner (6:00 p.m.) and then continue with public testimony.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs

assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Interested members of the public may present comments orally or in writing at the meeting, and in writing or by email before the meeting. To be considered by the Board, written comments or submissions not physically submitted at the meeting must be received **no later than 12:00 noon, October 26, 2005**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to ry2005@listserv.arb.ca.gov and received at ARB **no later than 12:00 noon, October 26, 2005**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at ARB **no later than 12:00 noon, October 26, 2005**.

The Board requests, but does not require, 30 copies of any written submission. Also, ARB requests that written and email statements be filed at least 10 days prior to the meeting so that ARB staff and Board members have time to fully consider each comment. Further inquiries regarding this matter should be directed to Mr. Dean C. Simeroth, Chief, Criteria Pollutants Branch, at (916) 322-6020 or dsimerot@arb.ca.gov.

AIR RESOURCES BOARD

NOTICE OF PUBLIC MEETING TO CONSIDER A SUGGESTED CONTROL MEASURE FOR AUTOMOTIVE COATINGS

The Air Resources Board (ARB or Board) will conduct a public meeting at the time and place noted below to consider approval of a Suggested Control Measure (SCM) for emissions of volatile organic compounds (VOC) from the application of automotive coatings.

DATE: October 20, 2005
TIME: 9:00 a.m.
PLACE: California Environmental
Protection Agency
Air Resources Board
Byron Sher Auditorium, Second Floor
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the ARB, which will commence at 9:00 a.m., October 20, 2005, and may continue at 9:00 a.m., October 21, 2005. This item may not be considered

until October 21, 2005. Please consult the agenda for the meeting, which will be available at least 10 days before October 20, 2005, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

BACKGROUND

Automotive coatings are coatings used in motor vehicle or mobile equipment refinishing, repair, and restoration. Estimated VOC emissions from automotive coatings in California were about 20.7 tons per day in 2001, representing about two percent of the total stationary source (stationary and area-wide) VOC emissions. These coatings are used for refinishing vehicles such as automobiles, trucks, buses, golf carts, vans, motorcycles, trains, railcars, truck trailers, mobile cranes, bulldozers, and street cleaners.

Under California law, the primary authority for controlling emissions from automotive coatings is vested in the local air pollution control districts and air quality management districts ("districts", see Health and Safety Code, Sections 39002, 40000, and 40001). However, the ARB often provides guidance and other assistance to the districts, including the development of model rules such as the SCM for automotive coatings. The ARB's authority to do this is provided by sections 39001, 39003, 39500, 39600, 39602, 39605, 40916, and 41500 of the Health and Safety Code.

Of the 35 districts in California, 20 districts have rules regarding automotive coatings. Currently, approximately 95 percent of the State's population is covered by the existing district rules. The districts that do not have their own rule for automotive coatings implement the United States Environmental Protection Agency's (U.S. EPA) National Rule.

Automotive refinishing operations are conducted at auto body repair/paint shops, production auto body paint shops, new car dealer repair/paint shops, fleet operator repair/paint shops and custom restoration facilities. The total number of facilities in California involved in the repair and refinishing of vehicles is estimated to range from about 4,000 to over 6,000.

ARB staff developed the proposed SCM in consultation with the districts, the affected industry representatives, and the U.S. EPA. The proposed SCM is designed to be used by the districts as a model when they adopt or amend rules regarding automotive

coatings. The proposed SCM will provide statewide uniformity, enhance enforcement, and reduce VOC emissions.

The Board's approval of the proposed SCM will not impose binding requirements on any person. Binding requirements will only be imposed if a district adopts the SCM as a district rule. Upon adoption, a district rule would then apply to affected persons within the jurisdiction of the district. In addition, the Board's approval of the SCM will not impose an obligation on any district to subsequently adopt the SCM. It will be up to each district to decide if adoption of the SCM as a district rule is needed to attain the state and federal ambient air quality standards within the district. Automotive coatings rules now in place in the districts will remain in effect, unchanged, until district adoption of the SCM.

DESCRIPTION OF THE PROPOSED SCM

The proposed SCM applies to manufacturers, distributors, sellers, and users of automotive coatings. The proposed SCM applies to coatings that are used to coat any part or component of motor vehicles (such as cars, buses, and golf carts) or mobile equipment (such as railcars and tractors). The proposed SCM also applies to manufacturers, distributors, sellers, and users of surface preparation and clean-up solvents associated with the use of automotive coatings. Implementation of the proposed SCM would reduce VOC emissions by 13.4 tons per day statewide beginning in 2009.

The proposed SCM does not apply to aerosol coatings (e.g., spray paint) or automotive coatings that are sold, supplied, or offered for sale in 0.5 fluid ounce or smaller containers intended to be used by the general public to repair tiny surface imperfections. The proposed SCM also does not apply to coatings applied to motor vehicles or mobile equipment, or their associated parts and components, during manufacture on an assembly line.

The proposed SCM differs from the U.S. EPA's National Rule and current district rules by eliminating the composite VOC limit for base coat (color) and clear coatings systems. The composite VOC limit is being replaced with individual VOC limits for color coatings and clear coatings. The proposed SCM specifies VOC limits for 12 coating categories; these limits would become effective on January 1, 2009.

The coating categories include clear coatings, color coatings, single-stage coatings, primers, and a variety of specialty coatings such as pretreatment coatings and adhesion promoters. If the coating is represented in such a way that indicates it can be used for more than one of the coating categories listed, then the lowest, or most restrictive, VOC content limit will apply.

If a coating does not meet any of the definitions for the categories listed, that coating will fall into the category labeled "Any other coating type" and a VOC limit of 250 grams per liter will apply. Limits are expressed in grams of VOC per liter of coating as applied, excluding the volume of any water and exempt compounds.

The proposed SCM specifies that no person shall manufacture, blend, repackage for sale, supply, sell, offer for sale, distribute, or apply any automotive coating or automotive coating component that does not meet the VOC limits in the proposed SCM.

The proposed SCM also prohibits anyone from possessing (at an automotive refinishing facility) any coating that does not meet the VOC limits listed, except when the coating is used with an approved emission control system that is at least 85 percent efficient. It is a violation of the proposed SCM to solicit, require, or specify the use of a coating that does not meet the VOC limits set forth in the proposed SCM, unless the coatings are used at a facility that complies with the alternative compliance provisions.

The manner in which coatings may be applied is specified in the proposed SCM. With the exception of underbody coatings, truck bed liner coatings, coatings used in graphic arts, and coatings of any type if less than one fluid ounce, the automotive coating must be applied by brushing, dipping, rolling, electrostatic spraying, or spraying with a high-volume, low-pressure spray gun or its approved equivalent.

The proposed SCM prohibits the use of cleaning solvents that exceed a VOC content of 25 grams per liter at an automotive refinishing facility. Any coating components, coatings, and VOC-containing products used for cleaning must be stored in closed, vapor-tight containers when not in use. Spray guns must be cleaned in a closed system or its approved equivalent.

The proposed SCM has recordkeeping and labeling requirements. The proposed SCM requires each manufacturer to provide written data for each of their products that include the physical properties of the coating, coating component, or solvent. Manufacturers must also clearly label all coatings and coating components with the applicable coatings category and the VOC content. Manufacturers must label solvents with the VOC content.

Those who use automotive coatings are required under the proposed SCM to keep records indicating the name and manufacturer of the coating, method of applying the coating, coating type and mix ratio, VOC content of the coating, and whether the product used is a coating or a solvent. This information, along with manufacturer's data sheets or other written materials that provide the actual and regulatory VOC content and purchase records listing the coating type, name, and volume of coatings or solvents must be kept at the

location where the coatings are applied for a minimum of three years. These records are to be made available for inspection upon request.

Anyone using an approved emission control system instead of using coatings that meet the VOC limits in the proposed SCM must keep daily records, to be maintained for a minimum of three years. These records will prove continuous and correct use of the control system during the time that emissions are occurring.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The ARB staff has prepared a Staff Report on the proposed SCM. The Staff Report contains the full text of the proposed SCM, and discusses the background, necessity for, technical basis, and the environmental and economic impacts of the proposed SCM.

Copies of the Staff Report may be obtained from the ARB's Public Information Office, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990. In addition, this notice and the Staff Report will be available on the ARB internet site at <http://www.arb.ca.gov/coatings/autorefin/scm/scm.htm>.

Inquiries concerning the substance of the proposed SCM may be directed to Mr. Jose Gomez at (916) 324-8033 or by email at jgomez@arb.ca.gov, or Mr. David Mehl at (916) 324-8177 or by email at dmehl@arb.ca.gov.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the meeting, and in writing or by email before the meeting. To be considered by the Board, written submissions not physically submitted at the public meeting must be received **no later than 12:00 noon, October 19, 2005**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to autocoat@listserv.arb.ca.gov and received by the ARB **no later than 12:00 noon, October 19, 2005**.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon October 19, 2005**.

The Board requests, but does not require, that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the public meeting so that ARB staff and Board Members have time to fully consider each document. The Board encourages members of the public to bring

to the attention of staff in advance of the public meeting any suggestions for modification of the proposed suggested control measure.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

CESA No. 2080-2005-021-02

PROJECT: Stage 1 of the Feather River, Bear River, and Western Pacific Interceptor Canal Levee Improvement Project

LOCATION: Yuba County

PROJECT PROPONENT: Three Rivers Levee Improvement Authority

BACKGROUND

The Three Rivers Levee Improvement Authority (TRLIA) is proposing improvements to the flood management system in southern Yuba County, including segments of the Feather River, Bear River, and Western Pacific Interceptor Canal (WPIC). Improvements for Stage 1 of the overall project are collectively termed the Feather-Bear-WPIC Levee Project (hereafter, the "Project"). Stage 2 actions will be pursued under separate authorizations. The proposed Project is located in southwestern Yuba County near the confluence of the Bear and Feather Rivers. The main features of the proposed Project are a new setback levee, environmental enhancement of the new setback area, and mitigation for any environmental impacts. Activities associated with construction of the Project will result in potential take of giant garter snake (*Thamnophis gigas*), which is listed as threatened under the California Endangered Species Act, Fish and Game Code sections 2050 et seq. (CESA).

Because of the Project's potential for take of the giant garter snake, the U.S. Army Corps of Engineers (ACOE) consulted with the U.S. Fish and Wildlife Service (Service) as required by the Endangered Species Act (ESA)(16 U.S.C. § 1531 et seq.). On August 10, 2005, the Service issued Biological Opinion No. 1-1-05-F-0106 which considers the Project and sets forth measures to mitigate impacts to the giant garter snake. On August 16, 2005 the Department of Fish and Game (Department) received a notice from TRLIA pursuant to Fish and Game Code Section 2080.1, requesting a determination that the federal Biological Opinion is consistent with CESA for the proposed Project. In a letter dated September 8, 2005, TRLIA's consultant Jones & Stokes proposed, on behalf of TRLIA, additional mitigation/compensation measures for the project that would supplement the mitigation set forth in the Biological Opinion.

DETERMINATION

Based on the terms and conditions in the Service's Biological Opinion No. 1-1-05-F-0106, as supplemented by the September 8, 2005 letter, the Department has determined that the Biological Opinion is consistent with CESA because the Project and mitigation measures meet the conditions set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species protected under CESA. Important to the Department's findings are measures from the Biological Opinion and the September 8 letter which address expected or potential impacts to the giant garter snake. These measures include, but are not limited to, the following requirements:

1. Work within potential snake habitat will occur between May 1 and October 1, which coincides with the active season of the giant garter snake, except as specifically provided in the Biological Opinion and the September 8 letter.
2. Within 24 hours prior to initiation of construction activities, or a break (two weeks or more) in construction activity, an approved biologist will survey the site.
3. When working in aquatic areas capable of supporting prey for the giant garter snake, TRLIA will dewater the habitat 15 days prior to the initiation of construction activities. An approved biological monitor will be present during all dewatering activities.
4. Construction personnel will participate in an approved worker environmental awareness training program. Under the guidelines of this program, workers shall be informed about the presence of snakes and habitat associated with the species and that unlawful take of the animal or destruction of its habitat is a violation of ESA. Prior to construction activities, a qualified biologist shall instruct construction personnel about: the life history of the snake; the importance of irrigation canals, marshes/wetlands, and seasonally flooded areas, such as rice fields, to the species; and the terms and conditions of the Biological Opinion.
5. Movement of heavy equipment to and from the Project site shall be restricted to established roadways to minimize habitat disturbance.
6. Any erosion control matting will not include monofilament or plastic; the matting will be comprised of jute, straw, coconut matting, or other natural fibers.

7. TRLIA will restore 96.12 acres of temporarily affected giant garter snake habitat at the Project site according to the *Guidelines for Restoration and/or Replacement of Giant Garter Snake Habitat* and the *Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake (Thamnophis gigas) Habitat*. TRLIA will continue to monitor the restored area for one year following construction and restoration activities and report to the Service to ensure success of the restoration.

8. TRLIA will mitigate for permanent impacts to giant garter snake by purchasing the equivalent of 134.37 acres of giant garter snake habitat in a Service-approved conservation bank prior to any construction within habitat for this species. If mitigation credits are not immediately available from an approved conservation bank, and if it is determined by the Service and the Department that no other mitigation site is immediately available, TRLIA shall place the sum of \$4,702,950.00 in an escrow account prior to initiating construction activities. The purpose of this account is to ensure funding for the acquisition and long-term management of habitat consistent with the requirement to mitigate for 134.37 acres for the giant garter snake. Both the Service and the Department will have authority over disbursements from the escrow account. If, after 18 months from the initial date of deposit into the account, funds have not been expended to meet the required mitigation, the Service and the Department will meet, and at their discretion, may choose to specifically identify how and where the required mitigation shall be applied. In either case, at the time that the mitigation is put in place, should the actual cost of land and long-term management be determined to exceed the amount in the escrow account, TRLIA agrees to make up the difference in order to ensure that the mitigation requirement is fully implemented.

Pursuant to Fish and Game Code section 2080.1, authorization under CESA will not be required for incidental take of giant garter snake for the Project, provided that TRLIA implements the Project as described in the Biological Opinion, complies with the mitigation measures described in the Biological Opinion, and implements the supplemental mitigation (as described above and contained in the September 8, 2005 letter). If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the Biological Opinion to include impacts or mitigation that are not addressed in the Biological Opinion or the Septem-

ber 8, 2005 letter, TRLIA will be required to obtain a new consistency determination or a CESA incidental take permit from the Department.

DECISION NOT TO PROCEED

DENTAL BOARD OF CALIFORNIA

DECISION TO DISCONTINUE RULEMAKING PROCEEDING

The Dental Board of California has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on June 24, 2005, OAL File # Z05-0610-01, concerning Title 16, section 1070.71.

The DBC intends to renote this regulatory package in the future.

DENTAL BOARD OF CALIFORNIA

DECISION TO DISCONTINUE RULEMAKING PROCEEDING

The Dental Board of California has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on June 24, 2005, OAL File # Z05-0610-02, concerning Title 16, section 1070.72.

The DBC intends to renote this regulatory package in the future.

DENTAL BOARD OF CALIFORNIA

DECISION TO DISCONTINUE RULEMAKING PROCEEDING

The Dental Board of California has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on June 24, 2005, OAL File # Z05-0610-03, concerning Title 16, section 1070.73.

The DBC intends to renote this regulatory package in the future.

DENTAL BOARD OF CALIFORNIA

DECISION TO DISCONTINUE RULEMAKING PROCEEDING

The Dental Board of California has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on June 24, 2005, OAL File # Z05-0610-04, concerning Title 16, section 1071.

The DBC intends to renote this regulatory package in the future.

DENTAL BOARD OF CALIFORNIA

DECISION TO DISCONTINUE RULEMAKING PROCEEDING

The Dental Board of California has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on June 24, 2005, OAL File # Z05-0614-10, concerning Title 16, section 1079.2.

The DBC intends to renotice this regulatory package in the near future.

RULEMAKING PETITION DECISIONS

AIR RESOURCES BOARD

August 22, 2005

Mr. John R. Valencia
Wilke, Fleury, Hoffelt, Gould & Birney, LLP
Twenty-Second Floor
400 Capitol Mall
Sacramento, California 95814

Re: Request for Reconsideration of Petition for
Repeal of Section 1962(c)(2)(D) of Title 13,
California Code of Regulations

Dear Mr. Valencia:

On July 22, 2005, the California Air Resources Board (ARB or Board) received the subject request for reconsideration (hereinafter, "Request for Reconsideration") of its May 26, 2005 denial of your April 26, 2005 "Petition for Repeal of Section 1962(c)(2)(D) of Title 13, California Code of Regulations (CCR)". This letter is to notify you that ARB has denied the Request for Reconsideration.

California Government Code section 11340.7(c) allows any interested person to request reconsideration of:

[A]ny part or all of a decision of any agency on any petition submitted. The request shall be submitted in accordance with Section 11340.6 and include the reason or reasons why an agency should reconsider its previous decision no later than 60 days after the date of the decision involved. The agency's reconsideration of any matter relating to a petition shall be subject to subdivision (a).

Because your Request for Reconsideration fully incorporates your April 26, 2005 petition to repeal 13 CCR section 1962(c)(2)(D) (hereinafter, "Petition"), and is not supported by any documents beyond those submitted with the Petition, this response also fully

incorporates ARB's May 26, 2005 response to the Petition and each of the attachments thereto (Attachments A to J).

As previously conveyed to you, the Board may delegate any duty it deems appropriate to its Executive Officer (Health and Safety Code section 39515(a)). Moreover, the Board is conclusively presumed to have delegated any of its powers to the Executive Officer unless it has expressly reserved that power to itself (Health & Safety Code section 39516.) The Board has not reserved the power to act on rulemaking petitions and it is therefore appropriate for me to deny the Request for Reconsideration pursuant to my delegated authority. The basis for my denial is set forth in this letter and its accompanying attachments.

BASES FOR REPEAL

You state two bases to support the Request for Reconsideration. First, ARB's adoption of 13 CCR section 1962(c)(2)(D) did not comply with the "necessity" standard of Government Code section 11349.1, and second, ARB failed to consider and failed to mitigate the adverse economic impact of these regulations on the aftermarket auto repair industry.

Noncompliance with "necessity" standard of Govt. Code section 11349.1

Initially, I note that the basis for reconsideration essentially mirrors the basis for repeal cited in your April 26, 2005 Petition, that there is no evidence the extended warranty provisions will reduce vehicle emissions in either the LEV II rulemaking file, ARB's response to your November 29, 2004 Public Records Act request, or your review of the LEV II rulemaking file. (Petition p. 2.) You now maintain ARB's adoption of 13 CCR section 1962(c)(2)(D) does not comply with the "necessity" standard of California Government Code (Govt. Code) section 11349.1 because ARB's adoption was not supported by "any evidence, much less substantial evidence," (Request for Reconsideration, p. 2,) and state that neither the evidence supporting ARB's adoption of 13 CCR section 1962(c)(2)(D) nor the evidence specified in ARB's May 26, 2005 denial of the Petition satisfies the criterion of "substantial evidence" as defined in Govt. Code sections 11349.1 and 11349(a).

Govt. Code section 11349(a) provides that the compliance of a rulemaking proceeding with the "necessity" standard is to be determined based on the totality of evidence in the rulemaking record. However, because the Petition and the Request for Reconsideration are seeking the repeal of an enacted regulation, ARB may properly extend its review to encompass studies, materials and other presently available evidence that was not in existence at the time the board adopted 13 CCR section 1962(c)(2)(D).

The ARB's denial of the Petition cited and extensively discussed evidence from documents in the LEV II rulemaking file (the initial and final statements of reasons for the rulemaking, and the transcript from the public hearing), and from documents not in the rulemaking file (the draft and final versions of the RAND Report "Factors Influencing the Impact of Extended Emission Warranties and Recent Trends in Durability" and the Initial Statement of Reasons for the 2003 Proposed Amendments to the ZEV Program Regulations) supporting the Board's determination that the extended warranty provisions, in concert with other criteria in 13 CCR section 1962(c)(2) and the SULEV 150,000 mile certification criteria, would reduce emissions otherwise resulting from deterioration of vehicles' emission control systems. Such evidence includes staff's opinions and the bases and reasoning underlying those opinions. The ARB technical staff that worked on and developed the LEV II rulemaking and that issued the opinions cited in ARB's denial of the Petition possess education, experience and knowledge related to the promulgation and implementation of regulations to control vehicular emissions. In fact, certain staff possess extraordinary, world-class qualifications in this field. Mr. Steve Albu is such an individual. (See Attachment K to this response—Declaration of Steve Albu). In Mr. Albu's expert opinion, based on his education, professional experience relating to developing and implementing regulations to control vehicle emissions, knowledge of vehicle manufacturers' procedures and processes for developing vehicles that meet the Board's requirements and review of both the Petition and the Request for Reconsideration, "the incorporation of the extended warranty requirements achieves significant additional emission reductions that are not specifically addressed by any other element of the ARB's suite of requirements for controlling emissions from PZEVs and other motor vehicles." (Albu Declaration, p. 5).

Another qualified individual that expressed an opinion regarding the financial effect of the extended warranty regulation on independent repair shops is Dr. Lloyd Dixon, who authored the draft and final RAND reports (Attachments F and G) to ARB's denial of the Petition. Dr. Dixon's resume is attached to this response (Attachment L—Resume of Dr. Lloyd S. Dixon).

We acknowledge that this evidence does not include any correlation that quantifies the effects of the extended warranty provisions and vehicle emissions. In fact, it would be surprising if such a quantification existed, given the absence of any known empirical studies examining the effects of extended warranties on vehicle durability (*see* p. 9, ARB's denial of Petition). However, the lack of such a quantification does not affect my determination that the evidence

cited above constitutes substantial evidence supporting the adoption of 13 CCR 1962(c)(2)(D), and I respectfully disagree with your assertions to the contrary. We also disagree with your characterization of ARB's response to the Petition's first basis of repeal (Request for Reconsideration, pp. 2 to 4,) and suggest that ARB's response speaks for itself.¹

Failure to Assess and Mitigate Adverse Economic Impacts of 13 CCR section 1962(c)(2)(D) on After-market Auto Industry

Your second basis for reconsideration maintains ARB failed to comply with provisions of the Administrative Procedure Act requiring agencies to assess and mitigate the adverse economic impacts of regulations on California based small businesses. You specifically cite Govt. Code §§ 11346.2(b)(3)(B), 11346.2(b)(4), and 11346.3.

Govt. Code section 11346.3 requires a state agency "proposing to adopt, amend, or repeal" an administrative regulation to assess its potential for adverse economic impact on California businesses, and to avoid imposing "unnecessary or unreasonable regulations or reporting, recordkeeping, or compliance requirements." An agency must adhere to the requirements of section 11346.3(a)(1)(2) "to the extent that these requirements do not conflict with other state or federal laws," and must assess the proposed regulation's effect on the creation or elimination of jobs and businesses in the State. Govt. Code section 11346.3(b).

Govt. Code sections 11346.2(b)(3)(B) and (b)(4) require that an initial statement of reasons for rulemaking include: (1) "a description of reasonable alternatives to the regulation that would lessen any adverse impact on small business and the agency's reasons for rejecting those alternatives," and (2) "[f]acts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse impact on business."

As with the first basis for reconsideration, this basis also essentially raises issues that were previously presented and addressed in the LEV II rulemaking (FSOR, pp. 45–53, Comments 33, 34, and 39), and in your Petition. "The extended warranty requirements imposed by regulation section 1962(c)(2)(D) adversely affect the after-market auto repair industry, including auto repair facilities and parts remanufacturers." (Petition, p. 3.)

¹ Staff has discovered an error in ARB's May 26, 2005 response to the Petition. On page 8, second sentence in the fourth full paragraph from the top of the page, "ZEVs" should be "PZEVs"

Staff's assessment of the potential adverse economic impacts of the LEV II rulemaking on businesses in general is in Section VI of the ISOR, and on independent repair facilities specifically is in pp. II-61-63 and VI-2 of the LEV II ISOR, and in pp. 10-11 of the Notice of Public Hearing for the LEV II rulemaking (Attachment M to this response). Staff determined that although independent repair facilities and dealers might experience some decrease in business, this decrease was not expected to impose a noticeable impact, in part because "most repair facilities would likely experience an *increase* in repair business as consumers continue to shift toward new vehicles . . . The shift is likely to provide more opportunities for repair facilities which would in turn moderate or offset the impact that a reduction in emission-related business may have on them." (Notice of Public Hearing for LEV II rulemaking, p. 11. *Emphasis supplied.* See also ISOR II-62 to 63 and VI-2). I have reviewed staff's assessment, as it is set forth in ISOR (pp. II-61-63 and VI-2,) and find that it complies with Govt. Code section 11346.3.

Based on my review of staff's assessment, I also do not concur with your claim that ARB did not comply with Govt. Code section 11346.2(b)(3)(B). Section II.F (pp. II-64-66) of the ISOR outlines staff's descriptions of regulatory alternatives to the proposed LEV II amendments and the reasons for rejecting those alternatives. To the extent your claim was specifically focused on regulatory alternatives to mitigate any potential adverse impacts on independent repair facilities, this claim was fully addressed by staff's responses to Comments 33, 34 and 39 in the FSOR (pp. 45-53).

Similarly, your assertion that ARB did not comply with Govt. Code section 11346.2(b)(4) is almost identical to the claim raised by the California Automotive Task Force (CATF) in Comment 39 to the FSOR:

[T]he regulatory proposal suffers from (sic) other APA-related deficiencies, specifically the Agency's failure to adequately address the impact of this proposal on small businesses in California. In fact, the Staff Report is fairly brief and dismissive regarding any possible impact on small business in California as a consequence of this proposal. The APA requires ARB to set forth "Facts, evidence, documents, testimony, or other evidence upon which the agency relies to support a finding that the action will not have a significant adverse impact on business." (Gov. Code § 11346.5(a)(5).) . . . ARB also fails to describe any alternative the agency has identified that will lessen any adverse impact on small businesses, as required by the APA, other than

the possible increase in repairs due to proliferating comfort and convenience items on new vehicles. (FSOR, p. 51).

Staff's response to this comment states in part "[t]he potential economic impacts of the warranty provisions on small and other businesses are discussed on pages 10-11 of the hearing notice and pages II-61-63 and VI-2 of the Staff Report." (FSOR pp. 52-53.) I find that this response adequately addresses both CATF's and your assertions that ARB failed to comply with Gov Code section 11346.2(b)(4).

Finally, as mentioned above, your claims that ARB failed to "adequately consider" the adverse economic consequences of the LEV II rulemaking on independent repair facilities were raised and fully addressed in the LEV II rulemaking (FSOR, pp. 45-53, Comments 33, 34, and 39), and in pages 12 to 14 of ARB's May 26, 2005 reply to the Petition. There is no need to revisit those responses here.

CONCLUSION

Based on the foregoing analysis, I find that your Request for Reconsideration has not demonstrated the extended warranty provisions of title 13, CCR section 1962(c)(D) are inconsistent with the ARB's overall statutory charge to improve air quality by controlling emissions from motor vehicles, or are not reasonably necessary to effectuate the purposes of our authorizing statutes.

The record upon which this denial is based includes the Request for Reconsideration, the Petition for Repeal of Section 1962(c)(2)(D) of Title 13, California Code of Regulations, and all of the material incorporated by reference in the Petition—Exhibits A through E and the Revised Exhibit B that was transmitted to ARB by a separate letter dated April 26, 2005 (Attachment I.) The record also includes ARB's May 26, 2005 reply to the Petition, this letter and all attachments hereto.

In accordance with Government Code section 11340.7(d), a copy of this letter is being transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register. You have cited the following authority for the requested action: Health & Safety Code sections 39600 and 39601(a). The agency contact person on this matter is Paul Hughes, Manager, LEV Implementation Section at (626) 575-6977. Interested parties may obtain a copy of the Petition from Lori Andreoni, Clerk of the ARB, 1001 I Street, P.O. Box 2815, Sacramento, CA 95812, (916) 322-5594.

LIST OF ATTACHMENTS

- Attachment K: Declaration of Steve Albu
- Attachment L: Resume of Dr. Lloyd Dixon

Attachment M: Notice of Public Hearing to Consider the "LEV II" and "CAP 2000" Amendments to the California Exhaust and Evaporative Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and to the Evaporative Emission Requirements for Heavy-Duty Vehicles.
<http://www.arb.ca.gov/regact/LEVii/45-day.pdf>

DEPARTMENT OF INSURANCE

DENIAL OF PETITION FOR RULEMAKING (Government Code § 11340.7)

By letter dated August 16, 2005, Jamie Court and Carmen Balber, of the Foundation for Taxpayer and Consumer Rights ("Petitioners"), petitioned the Insurance Commissioner of the State of California (the "Commissioner") requesting amendment of regulations. The Petitioners seek to have the Commissioner overhaul existing regulations governing Association Health Plans. The rulemaking petitioned for would raise minimum coverage standards to reflect the true cost of health care, and prevent Association Health Plans from selling policies offering benefits that are characterized in the petition as illusory.

Notice is hereby given that the Commissioner denies the Petition for the reasons set forth below.

PROVISIONS OF THE CODE OF REGULATIONS REQUESTED TO BE AFFECTED

Title 10, California Code of Regulations, Chapter 5.

AUTHORITY AND REFERENCE CITED IN THE PETITION

The Petition does not cite a specific provision of the Insurance Code that would grant authority to promulgate the indicated regulations.

REASONS SUPPORTING THE DEPARTMENT'S DETERMINATION

The Commissioner shares Petitioners' concerns over health insurance policies that fail to offer comprehensive benefits, and the severe financial hardship against which such policies leave California consumers unprotected. However, because Petitioners do not suggest the specific regulatory language they believe would accomplish the goals they urge the Commissioner to pursue, and because the best approach may include legislative changes and enforcement actions in addition to, or instead of, new regulations, the Commissioner has directed the Department of Insurance to conduct an investigatory hearing to explore and document the problems cited in the Petition.

Consequently, for the reasons indicated above, Petitioners' request is denied.

AGENCY CONTACT PERSON

George Teekell, Staff Counsel
 California Department of Insurance
 45 Fremont Street, 21st floor
 San Francisco, CA 94105

OBTAINING COPIES OF THE PETITION

Interested persons have a right to obtain a copy of the Petition for Rulemaking and may do so by requesting a copy from the Agency Contact Person.

PROPOSITION 65

STATE OF CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY SEPTEMBER 30, 2005

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikethrough were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990
Acetaldehyde	75070	April 1, 1988
Acetamide	60355	January 1, 1990
Acetochlor	34256821	January 1, 1989
2-Acetylaminofluorene	53963	July 1, 1987
Acifluorfen	62476599	January 1, 1990
Acrylamide	79061	January 1, 1990
Acrylonitrile	107131	July 1, 1987
Actinomycin D	50760	October 1, 1989
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
AF-2-[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688537	July 1, 1987	N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlor-napazine)	494031	February 27, 1987
Aflatoxins	—	January 1, 1988	Bischloroethyl nitrosourea (BCNU)(Carmustine)	154938	July 1, 1987
Alachlor	15972608	January 1, 1989	Bis(chloromethyl)ether	542881	February 27, 1987
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988	Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999
Aldrin	309002	July 1, 1988	Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Athyl chloride Delisted October 29, 1999	407051	January 1, 1990	Bracken fern	—	January 1, 1990
2-Aminoanthraquinone	117793	October 1, 1989	Bromate	15541454	May 31, 2002
p-Aminoazobenzene	60093	January 1, 1990	Bromodichloromethane	75274	January 1, 1990
ortho-Aminoazotoluene	97563	July 1, 1987	Bromoethane	74964	December 22, 2000
4-Aminobiphenyl (4-aminodiphenyl)	92671	February 27, 1987	Bromoform	75252	April 1, 1991
1-Amino-2,4-dibromoanthraquinone	81492	August 26, 1997	1,3-Butadiene	106990	April 1, 1988
3-Amino-9-ethylcarbazole hydrochloride	6109973	July 1, 1989	1,4-Butanediol dimethanesulfonate (Busulfan)	55981	February 27, 1987
2-Aminofluorene	153786	January 29, 1999	Butylated hydroxyanisole	25013165	January 1, 1990
1-Amino-2-methylanthraquinone	82280	October 1, 1989	beta-Butyrolactone	3068880	July 1, 1987
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712685	July 1, 1987	Cacodylic acid	75605	May 1, 1996
4-Amino-2-nitrophenol	119346	January 29, 1999	Cadmium and cadmium compounds	—	October 1, 1987
Amitrole	61825	July 1, 1987	Caffeic acid	331395	October 1, 1994
Analgesic mixtures containing phenacetin	—	February 27, 1987	Captadol	2425061	October 1, 1988
Aniline	62533	January 1, 1990	Captan	133062	January 1, 1990
Aniline hydrochloride	142041	May 15, 1998	Carbazole	86748	May 1, 1996
ortho-Anisidine	90040	July 1, 1987	Carbon black (airbone, unbound particles of respirable size)	1333864	February 21, 2003
ortho-Anisidine hydrochloride	134292	July 1, 1987	Carbon tetrachloride	56235	October 1, 1987
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990	Carbon-black extracts	—	January 1, 1990
Aramite	140578	July 1, 1987	N-Carboxymethyl-N-nitrosourea	60391926	January 25, 2002
Aristolochic acids	—	July 9, 2004	Catechol	120809	July 15, 2003
Arsenic (inorganic arsenic compounds)	—	February 27, 1987	Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Asbestos	1332214	February 27, 1987	Certain combined chemotherapy for lymphomas	—	February 27, 1987
Auramine	492808	July 1, 1987	Chlorambucil	305033	February 27, 1987
Azacitidine	320672	January 1, 1992	Chloramphenicol	56757	October 1, 1989
Azaserine	115026	July 1, 1987	Chlordane	57749	July 1, 1988
Azathioprine	446866	February 27, 1987	Chlordecone (Kepone)	143500	January 1, 1988
Azobenzene	103333	January 1, 1990	Chlordimeform	6164983	January 1, 1989
Benz[a]anthracene	56553	July 1, 1987	Chlorendic acid	115286	July 1, 1989
Benzene	71432	February 27, 1987	Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989
Benzidine [and its salts]	92875	February 27, 1987	p-Chloroaniline	106478	October 1, 1994
Benzidine-based dyes	—	October 1, 1992	p-Chloroaniline hydrochloride	20265967	May 15, 1998
Benzo[b]fluoranthene	205992	July 1, 1987	Chlorodibromomethane Delisted October 29, 1999	124481	January 1, 1990
Benzo[j]fluoranthene	205823	July 1, 1987	Chloroethane (Ethyl chloride)	75003	July 1, 1990
Benzo[k]fluoranthene	207089	July 1, 1987	1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU)	13010474	January 1, 1988
Benzoofuran	271896	October 1, 1990	(Lomustine)	—	—
Benzo[a]pyrene	50328	July 1, 1987	1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909096	October 1, 1988
Benzotrichloride	98077	July 1, 1987	Chloroform	67663	October 1, 1987
Benzyl chloride	100447	January 1, 1990			
Benzyl violet 4B	1694093	July 1, 1987			
Beryllium and beryllium compounds	—	October 1, 1987			
Betel quid with tobacco	—	January 1, 1990			
2,2-Bis(bromomethyl)-1,3-propanediol	3296900	May 1, 1996			
Bis(2-chloroethyl)ether	111444	April 1, 1988			

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Chloromethyl methyl ether (technical grade)	107302	February 27, 1987	N,N'-Diacylbenzidine	613354	October 1, 1989
3-Chloro-2-methylpropene	563473	July 1, 1989	2,4-Diaminoanisole	615054	October 1, 1990
1-Chloro-4-nitrobenzene	100005	October 29, 1999	2,4-Diaminoanisole sulfate	39156417	January 1, 1988
4-Chloro-ortho-phenylenedia- mine	95830	January 1, 1988	4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988
p-Chloro-o-toluidine	95692	January 1, 1990	2,4-Diaminotoluene	95807	January 1, 1988
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998	Diaminotoluene (mixed)	—	January 1, 1990
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997	Diazoaminobenzene	136356	May 20, 2005
Chloroprene	126998	June 2, 2000	Dibenz[a,h]acridine	226368	January 1, 1988
Chlorothalonil	1897456	January 1, 1989	Dibenz[a,j]acridine	224420	January 1, 1988
Chlorotrianisene	569573	September 1, 1996	Dibenz[a,h]anthracene	53703	January 1, 1988
Chlorozotocin	54749905	January 1, 1992	7H-Dibenzo[c,g]carbazole	194592	January 1, 1988
Chromium (hexavalent compounds)	—	February 27, 1987	Dibenzo[a,e]pyrene	192654	January 1, 1988
Chrysene	218019	January 1, 1990	Dibenzo[a,h]pyrene	189640	January 1, 1988
C.I. Acid Red 114	6459945	July 1, 1992	Dibenzo[a,i]pyrene	189559	January 1, 1988
C.I. Basic Red 9	—	—	Dibenzo[a,l]pyrene	191300	January 1, 1988
monohydrochloride	569619	July 1, 1989	1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987
C.I. Direct Blue 15	2429745	August 26, 1997	2,3-Dibromo-1-propanol	96139	October 1, 1994
C.I. Direct Blue 218	28407376	August 26, 1997	Dichloroacetic acid	79436	May 1, 1996
C.I. Solvent Yellow 14	842079	May 15, 1998	p-Dichlorobenzene	106467	January 1, 1989
Ciclosporin (Cyclosporin A; Cyclosporine)	59865133 79217600	January 1, 1992	3,3'-Dichlorobenzidine	91941	October 1, 1987
Cidofovir	113852372	January 29, 1999	3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998
Cinnamyl anthranilate	87296	July 1, 1989	1,4-Dichloro-2-butene	764410	January 1, 1990
Cisplatin	15663271	October 1, 1988	3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868	January 1, 1988
Citrus Red No. 2	6358538	October 1, 1989	1,1-Dichloroethane	75343	January 1, 1990
Clofibrate	637070	September 1, 1996	Dichloromethane (Methylene chloride)	75092	April 1, 1988
Cobalt metal powder	7440484	July 1, 1992	1,2-Dichloropropane	78875	January 1, 1990
Cobalt [II] oxide	1307966	July 1, 1992	1,3-Dichloropropene	542756	January 1, 1989
Cobalt sulfate	10124433	May 20, 2005	Dieldrin	60571	July 1, 1988
Cobalt sulfate heptahydrate	10026241	June 2, 2000	Dienestrol	84173	January 1, 1990
Coke oven emissions	—	February 27, 1987	Diepoxybutane	1464535	January 1, 1988
Conjugated estrogens	—	February 27, 1987	Diesel engine exhaust	—	October 1, 1990
Creosotes	—	October 1, 1988	Di(2-ethylhexyl)phthalate	117817	January 1, 1988
para-Cresidine	120718	January 1, 1988	1,2-Diethylhydrazine	1615801	January 1, 1988
Cupferron	135206	January 1, 1988	Diethyl sulfate	64675	January 1, 1988
Cycasin	14901087	January 1, 1988	Diethylstilbestrol (DES)	56531	February 27, 1987
Cyclophosphamide (anhydrous)	50180	February 27, 1987	Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989
Cyclophosphamide (hydrated)	6055192	February 27, 1987	Dihydrosafrole	94586	January 1, 1988
Cytembena	21739913	May 15, 1998	Diisopropyl sulfate	2973106	April 1, 1993
D&C Orange No. 17	3468631	July 1, 1990	3,3'-Dimethoxybenzidine	—	—
D&C Red No. 8	2092560	October 1, 1990	(ortho-Dianisidine)	119904	January 1, 1988
D&C Red No. 9	5160021	July 1, 1990	3,3'-Dimethoxybenzidine dihydrochloride	—	—
D&C Red No. 19	81889	July 1, 1990	(ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990
Dacarbazine	4342034	January 1, 1988	3,3'-Dimethoxybenzidine-based dyes metabolized to	—	June 11, 2004
Daminozide	1596845	January 1, 1990	3,3'-dimethoxybenzidine	—	—
Dantron (Chrysazin; 1,8-Dihydroxyanthraqui- none)	117102	January 1, 1992	3,3'-Dimethylbenzidine-based dyes metabolized to	—	June 11, 2004
Daunomycin	20830813	January 1, 1988	3,3'-dimethylbenzidine	—	—
DDD (Dichlorodiphenyldichloro- ethane)	72548	January 1, 1989	Dimethyl sulfate	77781	January 1, 1988
DDE (Dichlorodiphenyldichloro- ethylene)	72559	January 1, 1989	4-Dimethylaminoazo- benzene	60117	January 1, 1988
DDT (Dichlorodiphenyltrichloro- ethane)	50293	October 1, 1987			
DDVP (Dichlorvos)	62737	January 1, 1989			

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trans-2-[(Dimethyl- amino)methylimino]-5- [2-(5-nitro-2-furyl)vinyl]- 1,3,4-oxadiazole	55738540	January 1, 1988	Furan	110009	October 1, 1993
7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990	Furazolidone	67458	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988	Furmecyclohex	60568050	January 1, 1990
3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992	Fusarin C	79748815	July 1, 1995
Dimethylcarbamoyl chloride	79447	January 1, 1988	Ganciclovir sodium	82410320	August 26, 1997
1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989	Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
1,2-Dimethylhydrazine	540738	January 1, 1988	Gemfibrozil	25812300	December 22, 2000
Dimethylvinylchloride	513371	July 1, 1989	Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990
3,7-Dinitrofluoranthene	105735715	August 26, 1997	Glu-P-1 (2-Amino-6- methyldipyrido[1,2- a:3',2'-d]imidazole)	67730114	January 1, 1990
3,9-Dinitrofluoranthene	22506532	August 26, 1997	Glu-P-2 (2-Aminodipyri- do[1,2-a:3',2'-d]imida- zole)	67730103	January 1, 1990
1,6-Dinitropyrene	42397648	October 1, 1990	Glycidaldehyde	765344	January 1, 1988
1,8-Dinitropyrene	42397659	October 1, 1990	Glycidol	556525	July 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996	Griseofulvin	126078	January 1, 1990
2,4-Dinitrotoluene	121142	July 1, 1988	Gyromitrin (Acetaldehyde methylformylhydra- zone)	16568028	January 1, 1988
2,6-Dinitrotoluene	606202	July 1, 1995	HC Blue 1	2784943	July 1, 1989
Di-n-propyl isocinchomer- onate (MGK Repellent 326)	136458	May 1, 1996	Heptachlor	76448	July 1, 1988
1,4-Dioxane	123911	January 1, 1988	Heptachlor epoxide	1024573	July 1, 1988
Diphenylhydantoin (Pheny- toin)	57410	January 1, 1988	Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Diphenylhydantoin (Phenytoin), sodium salt	630933	January 1, 1988	Hexachlorobenzene	118741	October 1, 1987
Direct Black 38 (technical grade)	1937377	January 1, 1988	Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Direct Blue 6 (technical grade)	2602462	January 1, 1988	Hexachlorodibenzo- dioxin	34465468	April 1, 1988
Direct Brown 95 (technical grade)	16071866	October 1, 1988	Hexachloroethane	67721	July 1, 1990
Disperse Blue 1	2475458	October 1, 1990	2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Diuron	330541	May 31, 2002	Hexamethylphosphora- mide	680319	January 1, 1988
Epichlorohydrin	106898	October 1, 1987	Hydrazine	302012	January 1, 1988
Erionite	12510428	October 1, 1988	Hydrazine sulfate	10034932	January 1, 1988
Estradiol 17B	50282	January 1, 1988	Hydrazobenzene (1,2-Diphenylhydrazine)	122667	January 1, 1988
Estragole	140670	October 29, 1999	1-Hydroxyanthraquinone	129431	May 27, 2005
Estrogens, steroidal	—	August 19, 2005	Indeno [1,2,3-cd]pyrene	193395	January 1, 1988
Estrone	53167	January 1, 1988	Indium phosphide	22398807	February 27, 2001
Estropipate	7280377	August 26, 1997	IQ (2-Amino-3- methylimidazo[4,5-f] quinoline)	76180966	April 1, 1990
Ethinylestradiol	57636	January 1, 1988	Iprodione	36734197	May 1, 1996
Ethoprop	13194484	February 27, 2001	Iron dextran complex	9004664	January 1, 1988
Ethyl acrylate	140885	July 1, 1989	Isobutyl nitrite	542563	May 1, 1996
Ethylbenzene	100414	June 11, 2004	Isoprene	78795	May 1, 1996
Ethyl methanesulfonate	62500	January 1, 1988	Isosafrole	120581	October 1, 1989
Ethyl-4,4'-dichloro- benzilate	510156	January 1, 1990	Isoxafutole	141112290	December 22, 2000
Ethylene dibromide	106934	July 1, 1987	Lactofen	77501634	January 1, 1989
Ethylene dichloride (1,2-Dichloroethane)	107062	October 1, 1987	Lasiocarpine	303344	April 1, 1988
Ethylene oxide	75218	July 1, 1987	Lead acetate	301042	January 1, 1988
Ethylene thiourea	96457	January 1, 1988	Lead and lead compounds	—	October 1, 1992
Ethyleneimine	151564	January 1, 1988	Lead phosphate	7446277	April 1, 1988
Fenoxycarb	72490018	June 2, 2000	Lead subacetate	1335326	October 1, 1989
Folpet	133073	January 1, 1989			
Formaldehyde (gas)	50000	January 1, 1988			
2-(2-Formylhydrazino)-4- (5-nitro-2-furyl)thiazole	3570750	January 1, 1988			
Fumonisin B ₁	116355830	November 14, 2003			

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Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989	MX (3-chloro-4-dichloromethyl-5- hydroxy-2(5H)-furanone)	77439760	December 22, 2000
Lynestrenol	52766	February 27, 2001			
Mancozeb	8018017	January 1, 1990	Nafenopin	3771195	April 1, 1988
Maneb	12427382	January 1, 1990	Nalidixic acid	389082	May 15, 1998
Me-A-alpha-C (2-Amino-3- methyl-9H-pyrido[2,3-b] indole)	68006837	January 1, 1990	Naphthalene	91203	April 19, 2002
Medroxyprogesterone acetate	71589	January 1, 1990	1-Naphthylamine	134327	October 1, 1989
MeIQ(2-Amino-3,4- dimethylimidazo[4,5-f] quinoline)	77094112	October 1, 1994	2-Naphthylamine	91598	February 27, 1987
MeIQx(2-Amino-3,8- dimethylimidazo[4,5-f] quinoxaline)	77500040	October 1, 1994	Nickel (Metallic)	7440020	October 1, 1989
Melphalan	148823	February 27, 1987	Nickel acetate	373024	October 1, 1989
Merphalan	531760	April 1, 1988	Nickel carbonate	3333673	October 1, 1989
Mestranol	72333	April 1, 1988	Nickel carbonyl	13463393	October 1, 1987
Metham sodium	137428	November 6, 1998	Nickel compounds	—	May 7, 2004
8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987	Nickel hydroxide	12054487;	October 1, 1989
5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988		12125563	
2-Methylaziridine (Propyleneimine)	75558	January 1, 1988	Nickelocene	1271289	October 1, 1989
Methylazoxymethanol	590965	April 1, 1988	Nickel oxide	1313991	October 1, 1989
Methylazoxymethanol acetate	592621	April 1, 1988	Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Methyl carbamate	598550	May 15, 1998	Nickel subsulfide	12035722	October 1, 1987
3-Methylcholanthrene	56495	January 1, 1990	Niridazole	61574	April 1, 1988
5-Methylchrysene	3697243	April 1, 1988	Nitrapyrin	1229824	October 5, 2005
4,4'-Methylene bis (2-chloroaniline)	101144	July 1, 1987	Nitrilotriacetic acid	139139	January 1, 1988
4,4'-Methylene bis(N,N-dimethyl) benzenamine	101611	October 1, 1989	Nitrilotriacetic acid, tri- sodium salt mono- hydrate	18662538	April 1, 1989
4,4'-Methylene bis (2-methylaniline)	838880	April 1, 1988	5-Nitroacenaphthene	602879	April 1, 1988
4,4'-Methylenedianiline	101779	January 1, 1988	5-Nitro-o-anisidine	99592	October 1, 1989
4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988	o-Nitroanisole	91236	October 1, 1992
Methyleugenol	93152	November 16, 2001	Nitrobenzene	98953	August 26, 1997
Methylhydrazine and its salts	—	July 1, 1992	4-Nitrobiphenyl	92933	April 1, 1988
Methyl iodide	74884	April 1, 1988	6-Nitrochrysene	7496028	October 1, 1990
Methylmercury compounds	—	May 1, 1996	Nitrofen (technical grade)	1836755	January 1, 1988
Methyl methanesulfonate	66273	April 1, 1988	2-Nitrofluorene	607578	October 1, 1990
2-Methyl-1-nitroanthraquin- one (of uncertain purity)	129157	April 1, 1988	Nitrofurazone	59870	January 1, 1990
N-Methyl-N'-nitro-N- nitrosoguanidine	70257	April 1, 1988	1-[(5-Nitrofurfurylidene)-amino]- 2-imidazolidinone	555840	April 1, 1988
N-Methylolacrylamide	924425	July 1, 1990	N-[4-(5-Nitro-2-furyl)-2- thiazolyl]acetamide	531828	April 1, 1988
Methylthiouracil	56042	October 1, 1989	Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988
Metiram	9006422	January 1, 1990	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988
Metronidazole	443481	January 1, 1988	Nitrogen mustard N-oxide	126852	April 1, 1988
Michler's ketone	90948	January 1, 1988	Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988
Mirex	2385855	January 1, 1988	Nitromethane	75525	May 1, 1997
Mitomycin C	50077	April 1, 1988	2-Nitropropane	79469	January 1, 1988
Monocrotaline	315220	April 1, 1988	1-Nitropyrene	5522430	October 1, 1990
5-(Morpholinomethyl)-3-[(5-nitro- furfurylidene)- amino]-2-oxalolidinone	139913	April 1, 1988	4-Nitropyrene	57835924	October 1, 1990
Mustard Gas	505602	February 27, 1987	N-Nitrosodi-n-butylamine	924163	October 1, 1987
			N-Nitrosodiethanolamine	1116547	January 1, 1988
			N-Nitrosodiethylamine	55185	October 1, 1987
			N-Nitrosodimethylamine	62759	October 1, 1987
			p-Nitrosodiphenylamine	156105	January 1, 1988
			N-Nitrosodiphenylamine	86306	April 1, 1988
			N-Nitrosodi-n-propylamine	621647	January 1, 1988
			N-Nitroso-N-ethylurea	759739	October 1, 1987
			3-(N-Nitrosomethylamino) propionitrile	60153493	April 1, 1990

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4-(N-Nitrosomethylamino)-1-(3-pyridyl)-1-butanone	64091914	April 1, 1990	Procymidone	32809168	October 1, 1994
N-Nitrosomethylethylamine	10595956	October 1, 1989	Progesterone	57830	January 1, 1988
N-Nitroso-N-methylurea	684935	October 1, 1987	Pronamide	23950585	May 1, 1996
N-Nitroso-N-methylurethane	615532	April 1, 1988	Propachlor	1918167	February 27, 2001
N-Nitrosomethylvinylamine	4549400	January 1, 1988	1,3-Propane sultone	1120714	January 1, 1988
N-Nitrosomorpholine	59892	January 1, 1988	Propargite	2312358	October 1, 1994
N-Nitrosornicotine	16543558	January 1, 1988	beta-Propiolactone	57578	January 1, 1988
N-Nitrosopiperidine	100754	January 1, 1988	Propylene glycol mono- <i>t</i> -butyl ether	57018527	June 11, 2004
N-Nitrosopyrrolidine	930552	October 1, 1987	Propylene oxide	75569	October 1, 1988
N-Nitrososarcosine	13256229	January 1, 1988	Propylthiouracil	51525	January 1, 1988
o-Nitrotoluene	88722	May 15, 1998	Pyridine	110861	May 17, 2002
Norethisterone (Norethindrone)	68224	October 1, 1989	Quinoline and its strong acid salts	—	October 24, 1997
Norethynodrel	68235	February 27, 2001	Radionuclides	—	July 1, 1989
Ochratoxin A	303479	July 1, 1990	Reserpine	50555	October 1, 1989
Oil Orange SS	2646175	April 1, 1988	Residual (heavy) fuel oils	—	October 1, 1990
Oral contraceptives, combined	—	October 1, 1989	Riddelliine	23246960	December 3, 2004
Oral contraceptives, sequential	—	October 1, 1989	Saccharin	81072	October 1, 1989
Oxadiazon	19666309	July 1, 1991	Delisted April 6, 2001	81072	October 1, 1989
Oxazepam	604751	October 1, 1994	Saccharin, sodium	128449	January 1, 1988
Oxymetholone	434071	January 1, 1988	Delisted January 17, 2003	128449	January 1, 1988
Oxythioquinox	2439012	August 20, 1999	Safrole	94597	January 1, 1988
Palygorskite fibers (>5µm in length)	12174117	December 28, 1999	Salicylazosulfapyridine	599791	May 15, 1998
Panfuran S	794934	January 1, 1988	Selenium sulfide	7446346	October 1, 1989
Pentachlorophenol	87865	January 1, 1990	Shale-oils	68308349	April 1, 1990
Phenacetin	62442	October 1, 1989	Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Phenazopyridine	94780	January 1, 1988	Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Phenazopyridine hydrochloride	136403	January 1, 1988	Spirolactone	52017	May 1, 1997
Phenesterin	3546109	July 1, 1989	Stanozolol	10418038	May 1, 1997
Phenobarbital	50066	January 1, 1990	Sterigmatocystin	10048132	April 1, 1988
Phenolphthalein	77098	May 15, 1998	Streptozotocin (streptozocin)	18883664	January 1, 1988
Phenoxybenzamine	59961	April 1, 1988	Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Phenoxybenzamine hydrochloride	63923	April 1, 1988	Styrene oxide	96093	October 1, 1988
o-Phenylenediamine and its salts	95545	May 15, 1998	Sulfallate	95067	January 1, 1988
Phenyl glycidyl ether	122601	October 1, 1990	Talc containing asbestiform fibers	—	April 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992	Tamoxifen and its salts	10540291	September 1, 1996
o-Phenylphenate, sodium	132274	January 1, 1990	Terrazole	2593159	October 1, 1994
o-Phenylphenol	90437	August 4, 2000	Testosterone and its esters	58220	April 1, 1988
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650235	October 1, 1994	2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746016	January 1, 1988
Polybrominated biphenyls	—	January 1, 1988	1,1,2,2-Tetrachloroethane	79345	July 1, 1990
Polychlorinated biphenyls	—	October 1, 1989	Tetrachloroethylene (Perchloroethylene)	127184	April 1, 1988
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988	p-a,a,a-Tetrachloro-toluene	5216251	January 1, 1990
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992	Tetrafluoroethylene	116143	May 1, 1997
Polychlorinated dibenzofurans	—	October 1, 1992	Tetranitromethane	509148	July 1, 1990
Polygeenan	53973981	January 1, 1988	Thioacetamide	62555	January 1, 1988
Ponceau MX	3761533	April 1, 1988	4,4'-Thiodianiline	139651	April 1, 1988
Ponceau 3R	3564098	April 1, 1988	Thiodicarb	59669260	August 20, 1999
Potassium bromate	7758012	January 1, 1990	Thiourea	141902	June 11, 2004
Primidone	125337	August 20, 1999	Thiourea	62566	January 1, 1988
Procabazine	671169	January 1, 1988	Thorium dioxide	1314201	February 27, 1987
Procabazine hydrochloride	366701	January 1, 1988	Tobacco, oral use of smokeless products	—	April 1, 1988
			Tobacco smoke	—	April 1, 1988

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Toluene diisocyanate	26471625	October 1, 1989	Altretamine	developmental, male	645056	August 20, 1999
ortho-Toluidine	95534	January 1, 1988	Amantadine hydrochloride	developmental	665667	February 27, 2001
ortho-Toluidine hydrochloride	636215	January 1, 1988	Amikacin sulfate	developmental	39831555	July 1, 1990
para-Toluidine			Aminoglutethimide	developmental	125848	July 1, 1990
Delisted October 29, 1999	406490	January 1, 1990	Aminoglycosides	developmental	—	October 1, 1992
Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988	Aminopterin	developmental, female	54626	July 1, 1987
Treosulfan	299752	February 27, 1987	Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997
Trichlormethine (Trimustine hydrochloride)	817094	January 1, 1992	Amitraz	developmental	33089611	March 30, 1999
Trichloroethylene	79016	April 1, 1988	Amoxapine	developmental	14028445	May 15, 1998
2,4,6-Trichlorophenol	88062	January 1, 1988	Anabolic steroids	female, male	—	—
1,2,3-Trichloropropane	96184	October 1, 1992	Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Trimethyl phosphate	512561	May 1, 1996	Anisindione	developmental	117373	October 1, 1992
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997	Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Triphenyltin hydroxide	76879	July 1, 1992	Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990
Tris(aziridinyl)-para-benzoquinone (Triaziquone)	68768	October 1, 1989	Atenolol	developmental	29122687	August 26, 1997
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52244	January 1, 1988	Auranofin	developmental	34031328	January 29, 1999
Tris(2-chloroethyl) phosphate	115968	April 1, 1992	Azathioprine	developmental	446866	September 1, 1996
Tris(2,3-dibromopropyl)phosphate	126727	January 1, 1988	Barbiturates	developmental	—	October 1, 1992
Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988	Beclomethasone dipropionate	developmental	5534098	May 15, 1998
Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988	Benomyl	developmental, male	17804352	July 1, 1991
Trypan blue (commercial grade)	72571	October 1, 1989	Benzene	developmental, male	71432	December 26, 1997
Unleaded gasoline (wholly vaporized)	—	April 1, 1988	Benzodiazepines	developmental	—	October 1, 1992
Uracil mustard	66751	April 1, 1988	Benzphetamine hydrochloride	developmental	5411223	April 1, 1990
Urethane (Ethyl carbamate)	51796	January 1, 1988	Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990
Vanadium pentoxide (orthorhombic crystalline form)	1314621	February 11, 2005	Bromacil lithium salt	developmental, male	53404196	May 18, 1999 January 17, 2003
Vinclozolin	50471448	August 20, 1999	1-Bromopropane	developmental, female, male	106945	December 7, 2004
Vinyl bromide	593602	October 1, 1988	2-Bromopropane	female, male	75263	May 31, 2005
Vinyl chloride	75014	February 27, 1987	Bromoxynil	developmental	1689845	October 1, 1990
4-Vinylcyclohexene	100403	May 1, 1996	Bromoxynil octanoate	developmental	1689992	May 18, 1999
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990	Butabarbital sodium	developmental	143817	October 1, 1992
Vinyl fluoride	75025	May 1, 1997	1,3-Butadiene	developmental, female, male	106990	April 16, 2004
Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990	1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	January 1, 1989
2,6-Xylidine (2,6-Dimethylaniline)	87627	January 1, 1991	Cadmium	developmental, male	—	May 1, 1997
Zileuton	111406872	December 22, 2000	Carbamazepine	developmental	298464	January 29, 1999
Zineb			Carbon disulfide	developmental, female, male	75150	July 1, 1989
Delisted October 29, 1999	42122677	January 1, 1990	Carbon monoxide	developmental	630080	July 1, 1989

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Acetazolamide	developmental	59665	August 20, 1999	Chlorambucil	developmental	305033	January 1, 1989
Acetohydroxamic acid	developmental	546883	April 1, 1990	Chlorcyclizine hydrochloride	developmental	1620219	July 1, 1987
Actinomycin D	developmental	50760	October 1, 1992	Chlordecone (Kepone)	developmental	143500	January 1, 1989
All-trans retinoic acid	developmental	302794	January 1, 1989	Chlordiazepoxide	developmental	58253	January 1, 1992
Alprazolam	developmental	28981977	July 1, 1990	Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992
				1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990
				Chlorsulfuron	developmental, female, male	64902723	May 14, 1999

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<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Cidofovir	developmental, female, male	113852372	January 29, 1999	Endrin	developmental	72208	May 15, 1998
Cladribine	developmental	4291638	September 1, 1996	Epichlorohydrin	male	106898	September 1, 1996
Clarithromycin	developmental	81103119	May 1, 1997	Ergotamine tartrate	developmental	379793	April 1, 1990
Clobetasol propionate	developmental, female	25122467	May 15, 1998	Estropipate	developmental	7280377	August 26, 1997
Clomiphene citrate	developmental	50419	April 1, 1990	Ethionamide	developmental	536334	August 26, 1997
Clorazepate dipotassium	developmental	57109907	October 1, 1992	Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Cocaine	developmental, female	50362	July 1, 1989	Ethyl dipropylthiocarbamate	developmental	759944	April 27, 1999
Codeine phosphate	developmental	52288	May 15, 1998	Ethylene dibromide	developmental, male	106934	May 15, 1998
Colchicine	developmental, male	64868	October 1, 1992	Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989
Conjugated estrogens	developmental	—	April 1, 1990	Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989
Cyanazine	developmental	21725462	April 1, 1990	Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993
Cycloate	developmental	1134232	March 19, 1999	Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993
Cyclohexanol	male	108930	November 6, 1998	Ethylene oxide	female	75218	February 27, 1987
Delisted January 25, 2002				Ethylene thiourea	developmental	96457	January 1, 1993
Cycloheximide	developmental	66819	January 1, 1989	Etodolac	developmental, female	41340254	August 20, 1999
Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989	Etoposide	developmental	33419420	July 1, 1990
Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989	Etretinate	developmental	54350480	July 1, 1987
Cyhexatin	developmental	13121705	January 1, 1989	Fenoxaprop ethyl	developmental	66441234	March 26, 1999
Cytarabine	developmental	147944	January 1, 1989	Filgrastim	developmental	121181531	February 27, 2001
Dacarbazine	developmental	4342034	January 29, 1999	Fluazifop butyl	developmental	69806504	November 6, 1998
Danazol	developmental	17230885	April 1, 1990	Flunisolide	developmental, female	3385033	May 15, 1998
Danorubicin hydrochloride	developmental	23541506	July 1, 1990	Fluorouracil	developmental	51218	January 1, 1989
2,4-D butyric acid	developmental, male	94826	June 18, 1999	Fluoxymesterone	developmental	76437	April 1, 1990
o,p' -DDT	developmental, female, male	789026	May 15, 1998	Flurazepam hydrochloride	developmental	1172185	October 1, 1992
p,p' -DDT	developmental, female, male	50293	May 15, 1998	Flurbiprofen	developmental, female	5104494	August 20, 1999
2,4-DP (dichloroprop)	developmental	120365	April 27, 1999	Flutamide	developmental	13311847	July 1, 1990
Delisted January 25, 2002				Fluticasone propionate	developmental	80474142	May 15, 1998
Demeclocycline hydrochloride (internal use)	developmental	64733	January 1, 1992	Fluvalinate	developmental	69409945	November 6, 1998
Diazepam	developmental	439145	January 1, 1992	Ganciclovir sodium	developmental, male	82410320	August 26, 1997
Diazoxide	developmental	364987	February 27, 2001	Gemfibrozil	female, male	25812300	August 20, 1999
1,2-Dibromo-3-chloropropane (DBCP)	male	96128	February 27, 1987	Goserelin acetate	developmental, female, male	65807025	August 26, 1997
Dichlorophene	developmental	97234	April 27, 1999	Halazepam	developmental	23092173	July 1, 1990
Dichlorophenamide	developmental	120978	February 27, 2001	Halobetasol propionate	developmental	66852548	August 20, 1999
Diclofop methyl	developmental	51338273	March 5, 1999	Haloperidol	developmental, female	52868	January 29, 1999
Dicumarol	developmental	66762	October 1, 1992	Halothane	developmental	151677	September 1, 1996
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117817	October 24, 2003	Heptachlor	developmental	76448	August 20, 1999
Diethylstilbestrol (DES)	developmental	56531	July 1, 1987	Hexachlorobenzene	developmental	118741	January 1, 1989
Diflunisal	developmental, female	22494424	January 29, 1999	Hexamethylphosphoramide	male	680319	October 1, 1994
Dihydroergotamine mesylate	developmental	6190392	May 1, 1997	Histrelin acetate	developmental	—	May 15, 1998
Diltiazem hydrochloride	developmental	33286225	February 27, 2001	Hydramethylnon	developmental, male	67485294	March 5, 1999
m-Dinitrobenzene	male	99650	July 1, 1990	Hydroxyurea	developmental	127071	May 1, 1997
o-Dinitrobenzene	male	528290	July 1, 1990	Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999
p-Dinitrobenzene	male	100254	July 1, 1990	Ifosfamide	developmental	3778732	July 1, 1990
2,4-Dinitrotoluene	male	121142	August 20, 1999	Iodine-131	developmental	10043660	January 1, 1989
2,6-Dinitrotoluene	male	606202	August 20, 1999	Isotretinoin	developmental	4759482	July 1, 1987
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999	Lead	developmental, female, male	—	February 27, 1987
Dinocap	developmental	39300453	April 1, 1990	Leuprolide acetate	developmental, female, male	74381536	August 26, 1997
Dinoseb	developmental, male	88857	January 1, 1989	Levodopa	developmental	59927	January 29, 1999
Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987	Levonorgestrel implants	female	797637	May 15, 1998
Disodium cyanodithioimidocarbonate	developmental	138932	March 30, 1999	Linuron	developmental	330552	March 19, 1999
Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999	Lithium carbonate	developmental	554132	January 1, 1991
Doxycycline (internal use)	developmental	564250	July 1, 1990	Lithium citrate	developmental	919164	January 1, 1991
Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992	Lorazepam	developmental	846491	July 1, 1990
Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991	Lovastatin	developmental	75330755	October 1, 1992
Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991	Mebendazole	developmental	31431397	August 20, 1999
				Medroxyprogesterone acetate	developmental	71589	April 1, 1990
				Megestrol acetate	developmental	595335	January 1, 1991
				Melphalan	developmental	148823	July 1, 1990

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<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Menotropins	developmental	9002680	April 1, 1990	Potassium dimethyldithio-carbamate	developmental	128030	March 30, 1999
Meprobamate	developmental	57534	January 1, 1992	Pravastatin sodium	developmental	81131706	March 3, 2000
Mercaptopurine	developmental	6112761	July 1, 1990	Prednisolone sodium phosphate	developmental	125020	August 20, 1999
Mercury and mercury compounds	developmental	—	July 1, 1990	Procarbazine hydrochloride	developmental	366701	July 1, 1990
Methacycline hydrochloride	developmental	3963959	January 1, 1991	Propargite	developmental	2312358	June 15, 1999
Metham sodium	developmental	137428	May 15, 1998	Propylthiouracil	developmental	51525	July 1, 1990
Methazole	developmental	20354261	December 1, 1999	Pyrimethamine	developmental	58140	January 29, 1999
Methimazole	developmental	60560	July 1, 1990	Quazepam	developmental	36735225	August 26, 1997
Methotrexate	developmental	59052	January 1, 1989	Quizalofop-ethyl	male	76578148	December 24, 1999
Methotrexate sodium	developmental	15475566	April 1, 1990	Resmethrin	developmental	10453868	November 6, 1998
Methyl bromide as a structural fumigant	developmental	74839	January 1, 1993	Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Methyl chloride	developmental	74873	March 10, 2000	Ribavirin	developmental, male	36791045	April 1, 1990
Methyl mercury	developmental	—	July 1, 1987	Rifampin	developmental, female	36791045	February 27, 2001
N-Methylpyrrolidone	developmental	872504	June 15, 2001			13292461	February 27, 2001
Methyltestosterone	developmental	58184	April 1, 1990	Secobarbital sodium	developmental	309433	October 1, 1992
Metiram	developmental	9006422	March 30, 1999	Sermorelin acetate	developmental	—	August 20, 1999
Midazolam hydrochloride	developmental	59467968	July 1, 1990	Sodium dimethyldithiocarbamate	developmental	128041	March 30, 1999
Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992	Sodium fluoroacetate	male	62748	November 6, 1998
Misoprostol	developmental	59122462	April 1, 1990	Streptomycin sulfate	developmental	3810740	January 1, 1991
Mitoxantrone hydrochloride	developmental	70476823	July 1, 1990	Streptozotocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Myclobutanil	developmental, male	88671890	April 16, 1999	Sulfasalazine	male	599791	January 29, 1999
Nabam	developmental	142596	March 30, 1999	Sulindac	developmental, female	38194502	January 29, 1999
Nafarelin acetate	developmental	86220420	April 1, 1990	Tamoxifen citrate	developmental	54965241	July 1, 1990
Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992	Temazepam	developmental	846504	April 1, 1990
Netilmicin sulfate	developmental	56391572	July 1, 1990	Teniposide	developmental	29767202	September 1, 1996
Nickel carbonyl	developmental	13463393	September 1, 1996	Terbacil	developmental	5902512	May 18, 1999
Nicotine	developmental	54115	April 1, 1990	Testosterone cypionate	developmental	58208	October 1, 1991
Nifedipine	developmental, female, male	21829254	January 29, 1999	Testosterone enanthate	developmental	315377	April 1, 1990
Nimodipine	developmental	66085594	April 24, 2001	2,3,7,8-Tetrachlorodibenzo-paradioxin (TCDD)	developmental	1746016	April 1, 1991
Nitrapyrin	developmental	1929824	March 30, 1999	Tetracycline (internal use)	developmental	60548	October 1, 1991
Nitrofurantoin	male	67209	April 1, 1991	Tetracyclines (internal use)	developmental	—	October 1, 1992
Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989	Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990	Thalidomide	developmental	50351	July 1, 1987
Norethisterone (Norethindrone)	developmental	68224	April 1, 1990	Thioguanine	developmental	154427	July 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991	Thiopentate methyl	female, male	23564058	May 18, 1999
Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68224/57636	April 1, 1990	Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Norethisterone (Norethindrone)/Mestranol	developmental	68224/72333	April 1, 1990	Tobramycin sulfate	developmental	49842071	July 1, 1990
Norgestrel	developmental	6533002	April 1, 1990	Toluene	developmental	108883	January 1, 1991
Oxadiazon	developmental	19666309	May 15, 1998	Triadimefon	developmental, female, male	43121433	March 30, 1999
Oxazepam	developmental	604751	October 1, 1992	Triazolam	developmental	28911015	April 1, 1990
Oxydemeton methyl	female, male	301122	November 6, 1998	Tributyltin methacrylate	developmental	2155706	December 1, 1999
Oxymetholone	developmental	434071	May 1, 1997	Trientine hydrochloride	developmental	38260014	February 27, 2001
Oxytetracycline (internal use)	developmental	79572	January 1, 1991	Triforine	developmental	26644462	June 18, 1999
Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991	Trilostane	developmental	13647353	April 1, 1990
Paclitaxel	developmental, female, male	33069624	August 26, 1997	Trimethadione	developmental	127480	January 1, 1991
Paramethadione	developmental	115673	July 1, 1990	Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Penicillamine	developmental	52675	January 1, 1991	Triphenyltin hydroxide	developmental	76879	March 18, 2002
Pentobarbital sodium	developmental	57330	July 1, 1990	Uracil mustard	developmental, female, male	66751	January 1, 1992
Pentostatin	developmental	53910251	September 1, 1996	Urethane	developmental	51796	October 1, 1994
Phenacemide	developmental	63989	July 1, 1990	Urofollitropin	developmental	97048130	April 1, 1990
Phenprocoumon	developmental	435972	October 1, 1992	Valproate (Valproic acid)	developmental	99661	July 1, 1987
Pimozide	developmental, female	2062784	August 20, 1999	Vinblastine sulfate	developmental	143679	July 1, 1990
Pipobroman	developmental	54911	July 1, 1990	Vinclozolin	developmental	50471448	May 15, 1998
Plicamycin	developmental	18378897	April 1, 1990				
Polybrominated biphenyls	developmental	—	October 1, 1994				
Polychlorinated biphenyls	developmental	—	January 1, 1991				

Chemical	Type of Reproductive Toxicity	CAS No.	Date Listed
Vincristine sulfate	developmental	2068782	July 1, 1990
Warfarin	developmental	81812	July 1, 1987
Zileuton	developmental, female	111406872	December 22, 2000

Date: September 30, 2005

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)**

NOTICE TO INTERESTED PARTIES

**CHEMICAL LISTED EFFECTIVE
OCTOBER 5, 2005
AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE CANCER**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is adding *nitrapyrin* to the list of chemicals known to the state to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code section 25249.5 et seq., Proposition 65). The listing of the chemical is effective **October 5, 2005**.

Nitrapyrin (CAS No. 1929-82-4) is listed as a chemical known to the State of California to cause cancer. The listing of this chemical is based on a formal identification by an authoritative body (i.e., the U.S. Environmental Protection Agency ("U.S. EPA")) that the chemical causes cancer. Regulations governing the listing of chemicals under the "authoritative bodies" mechanism are published in Title 22, Cal. Code of Regs. Section 12306.

The reader is directed to the Notice of Intent to List *nitrapyrin* published in the August 5, 2005, issue of the *California Regulatory Notice Register* (Register No. 2005, No. 31-Z) for the documentation supporting OEHHA's determination that the criteria for administrative listing have been satisfied for this chemical. The documentation was developed to explain the basis for listing this chemical via the authoritative bodies provision of Proposition 65. OEHHA analyses of dose-response data to establish the no significant risk level (NSRL) for this chemical under Proposition 65 have not been conducted. The priority status of the development of an NSRL for *nitrapyrin* will be announced in a future OEHHA *Proposition 65 Status Report for Safe Harbor Levels*, available at <http://www.oehha.ca.gov/prop65.html>.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*. The following table outlines the addition of *nitrapyrin* to the Proposition 65 chemical list as known to the State to cause cancer:

Cancer

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism ¹
Nitrapyrin	1929-82-4	Cancer	AB

¹ Listing mechanism:

AB—"authoritative bodies" mechanism (Title 22, Cal. Code of Regs. Section 12306)

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

**AIR RESOURCES BOARD
Greenhouse Gas**

This regulatory action is to control greenhouse gas (GHG) emissions from motor vehicles pursuant to AB1493, which was codified in Health & Safety Code § 43018.5 and directed the Board to adopt regulations that achieve the maximum feasible and cost effective reduction in GHG emissions from motor vehicles. The regulations apply to the model years 2009 to 2016 and establish one standard for passenger cars and the lightest trucks and a separate standard for heavier trucks.

Title 13
California Code of Regulations
ADOPT: 1961.1 AMEND: 1900, 1961
Filed 09/15/05
Effective 01/01/06
Agency Contact:
Aron Livingston (916) 322-2884

**AIR RESOURCES BOARD
Greenhouse Gas Section 100 Amendments**

This regulatory action is to add a couple of parenthetical examples in an incorporated by reference document in Title 13 of the CCR Section 1961(d).to

demonstrate what is meant by the term driveline without altering its commonly understood meaning in the industry.

Title 13

California Code of Regulations

AMEND: 1961(d)

Filed 09/15/05

Effective 01/01/06

Agency Contact:

Aron Livingston (916) 322-2884

**BOARD FOR PROFESSIONAL ENGINEERS AND
LAND SURVEYORS**

License Renewal Fees

This regulatory action is to amend Section 407(c) of Title 16 so that on or after October 1, 2005 the biennial renewal fee for licenses for professional engineers and land surveyors will be \$125.

Title 16

California Code of Regulations

AMEND: 407(c)

Filed 09/20/05

Effective 09/20/05

Agency Contact:

Debbie A. Thompson (916) 263-2269

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

**Revised Adjustment Method and Disposal Reporting
System Regulations**

This regulatory action revises the standards for operators of disposal facilities to submit to counties information on tons of solid waste disposed at each facility from each jurisdiction of origin.

Title 23

California Code of Regulations

ADOPT: 18801.1, 18808.1, 18808.2, 18808.3,
18808.4, 18808.5, 18808.6, 18808.7, 18808.8,
18808.9, 18808.10, 18808.11, 18809.1, 18809.2,
18809.3, 18809.4, 18809.5, 18809.6, 18809.7,
18809.8, 18809.9, 18809.10, 18809.11, 18810.1,
18810.2, 18810.3, 18810.4,

Filed 09/21/05

Effective 01/01/06

Agency Contact: Elliot Block (916) 255-2821

CALIFORNIA SERVICE CORPS

Conflict of Interest

The California Service Corps is amending its conflict of interest code found at title 2, division 8, chapter 71, section 56000, California Code of Regulations. The amendment was approved for filing by the Fair Political Practices Commission on July 11, 2005.

Title 2

California Code of Regulations

AMEND: Div. 8, Ch. 71, Sec. 56000

Filed 09/15/05

Effective 10/15/05

Agency Contact: Judith Mori (916) 323-2629

DEPARTMENT OF FOOD AND AGRICULTURE

Pasteurization Requirements & Equivalency

This action adopts pasteurization requirements for milk and milk products and establishes the process for demonstrating and receiving approval for an alternative pasteurization process as authorized by Food and Agriculture Code sections 32515 and 34001.

Title 3

California Code of Regulations

ADOPT: 581

Filed 09/16/05

Effective 10/16/05

Agency Contact: Nancy Grillo (916) 651-7280

DEPARTMENT OF SOCIAL SERVICES

**Financial Audit Cost Reimbursement—
AFDC Foster Care**

In this “change without regulatory effect” filing, the Department of Social Services repeals a provision in its AFDC-Foster Care regulations providing for financial audit cost reimbursement for certain foster care providers. The filing is based upon a statutory change to Welfare and Institutions Code section 11466.21.

Title MPP

California Code of Regulations

REPEAL: 11-405.22

Filed 09/20/05

Effective 10/20/05

Agency Contact: Alison Garcia (916) 657-2586

DEPARTMENT OF VETERANS AFFAIRS

**Eligibility Requirements for Burial in a State
Veterans Cemetery**

Section 1400 of the Military and Veteran Code requires the Department of Veterans Affairs to adopt regulations to specify the eligibility requirements for internment in the Northern California Veterans Cemetery. This filing is a resubmittal of a regulatory action which defines the term “State Veterans Cemetery”, makes the state eligibility requirements for burial in a state veterans cemetery equivalent to the requirements for burial in a national cemetery, and provides for the collection of information in order to determine eligibility

Title 12

California Code of Regulations

ADOPT: 460, 461

Filed 09/19/05

Effective 10/19/05

Agency Contact: Jack Kirwan (916) 653-2573

STATE COASTAL CONSERVANCY

Conflict of Interest Code

This is a Conflict of Interest Code amendment that has been approved by the Fair Political Practices Commission and is being submitted for filing and printing only.

Title 14

California Code of Regulations

AMEND: 13800

Filed 09/20/05

Effective 10/20/05

Agency Contact: Marcia Grimm (510) 286-1084

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN APRIL 27, 2005
TO SEPTEMBER 14, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

09/13/05 AMEND: 18730
09/07/05 AMEND: Div. 8, Ch. 99, Sec. 58800
09/06/05 ADOPT: 1183.12, 1183.13, 1183.14
AMEND: 1181, 1181.1, 1181.2, 1181.3,
1183, 1183.01, 1183.02, 1183.03,
1183.04, 1183.05, 1183.06, 1183.07,
1183.08, 1183.1, 1183.11 1183.12,
1183.2, 1183.21, 1183.3, 1187, 1187.2,
1187.3, 1187.4, 1188.1, 1188.3, 1188.4,
08/29/05 AMEND: Div. 8, Ch. 6, Sec. 27000
08/15/05 AMEND: 51000
08/09/05 ADOPT: 59520
08/04/05 AMEND: 2271
07/27/05 ADOPT: Div. 8, Ch. 23, Sec. 44000
07/20/05 AMEND: 18570
07/20/05 ADOPT: 18530.7
07/18/05 AMEND: 18452
07/18/05 AMEND: 55400
07/06/05 AMEND: 7286.0
06/24/05 AMEND: 599.502, 599.506
06/21/05 AMEND: 18705.5
06/16/05 AMEND: Div. 8, Ch. 4, section 25001
06/14/05 ADOPT: 18750.2, 18755 AMEND:
18702.4
05/31/05 ADOPT: 1859.300, 1859.301, 1859.302,
1859.310, 1859.311, 1859.312, 1859.313,
1859.314, 1859.315, 1859.316, 1859.317,

1859.318, 1859.319, 1859.320, 1859.321,
1859.322, 1859.323, 1859.323.1,
1859.323.2, 1859.324, 1859.325,
1859.326, 1859.327, 1859.328, 185

05/27/05 AMEND: 20107

05/27/05 AMEND: 1859.2

05/26/05 ADOPT: 18465.1

05/26/05 AMEND: 1859.2, 1859.81, 1866

05/24/05 ADOPT: 1859.23 AMEND: 1859.2,
1859.122, 1859.123, 1859.123.1

05/12/05 ADOPT: 1859.71.4, 1859.78.1 AMEND:
1859.2, 1859.73.2, 1859.79.2, 1859.82,
1859.83, 1859.125, 1859.125.1,
1859.145, 1859.163.1, 1859.164.2

05/03/05 ADOPT: 20800.1, 20800.2, 20800.3,
20800.4, 20800.5, 20800.6, 20800.7,
20800.8, 20800.9, 20801.1, 20801.2,
20801.3 AMEND: 20800, 20801, 20802

05/02/05 ADOPT: 18640 AMEND: 18941.1,
18946, 18946.1, 18946.2, 18946.4

Title 3

08/12/05 AMEND: 3700(c)

08/08/05 ADOPT: 1811, 1812, 1850 AMEND:
1804, 1806, 1808, 1831, 1930, 1931,
1932, 1940, 1941, 1942, 1943, 1944,
1945, 1946, 1950 REPEAL: 1809, 1810,
1851, 1851.1, 1870.1, 1870.2, 1871,
1872, 1873, 1951, 1960, 1961

07/21/05 AMEND: 6400

07/11/05 AMEND: 3423(b)

07/01/05 AMEND: 2311(b)

06/27/05 ADOPT: 3591.18

06/22/05 AMEND: 3430(b)

06/09/05 ADOPT: 3700

06/03/05 ADOPT: 3963

05/23/05 AMEND: 3636(a)(c)

05/16/05 AMEND: 6388

05/09/05 ADOPT: 1392.2(t), 1392.4(h), 1392.4(i),
1392.4(j), 1392.9(c), 1392.9(d),

Title 4

09/13/05 ADOPT: 1843.6

09/12/05 AMEND: 4140

08/24/05 AMEND: 1663

08/17/05 AMEND: 1976.9

08/08/05 AMEND: 1887

06/27/05 ADOPT: 10175, 10176, 10177, 10178,
10179, 10180, 10181, 10182, 10183,
10184, 10185, 10186, 10187, 10188,
10189, 10190, 10191

05/26/05 ADOPT: 7030, 7031, 7032, 7033, 7034,
7035, 7036, 7037, 7038, 7039, 7040,
7041, 7042, 7043, 7044, 7045, 7046,
7047, 7048, 7049, 7050

04/27/05 AMEND: 1844, 1845

Title 5

09/01/05 REPEAL: 1630
 08/22/05 AMEND: 850, 851, 852, 853, 853.5, 854, 855, 857, 858, 859, 861, 862, 863, 864, 864.5, 865, 866, 867, 867.5, 868870
 08/16/05 ADOPT: 1207.5 AMEND: 1200, 1203, 1204.5, 1206, 1207, 1209, 1210, 1211, 1211.5, 1215, 1215.5, 1216, 1217, 1225
 08/01/05 ADOPT: 15140, 15141
 07/28/05 ADOPT: 1030.5, 1030.6, 1030.7, 1030.8
 07/12/05 AMEND: 22000
 06/23/05 ADOPT: 11992, 11993, 11994
 06/22/05 ADOPT: 11967.6, 11967.7, 11967.8 AMEND: 11967, 11968, 11969
 06/20/05 ADOPT: 19817.1, 19826.1, 19828.1, 19837 AMEND: 19813, 19814, 19814.1, 19817, 19826, 19828
 06/09/05 ADOPT: 11511.6, 11516.6, 11516.7, 11517.5 AMEND: 11510, 11511, 11515.5, 11512, 11512.5, 11513, 11513.5, 11514, 11516, 11516.5, 11517
 06/08/05 ADOPT: 17101 AMEND: 9531
 06/01/05 AMEND: 41500, 41503, 41504, 41505
 05/26/05 AMEND: 30060
 05/26/05 AMEND: 80413
 05/06/05 ADOPT: 3075.1, 13075.2, 13075.3, 13075.4 AMEND: 13075
 05/06/05 ADOPT: 18220.2, 18224.2, 18224.4, 1840.5, 18249
 AMEND: 18220, 18240, 18248
 05/06/05 ADOPT: 19850, 19851, 19852, 19853, 19854 AMEND: 19813, 19814, 19814.1
 05/06/05 ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110
 05/05/05 ADOPT: 80021, 80021.1

Title 8

09/09/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14, 9767.15
 08/25/05 AMEND: 6184
 08/22/05 ADOPT: 3395
 08/10/05 AMEND: 8615
 08/09/05 AMEND: 6251
 08/02/05 AMEND: 770
 08/02/05 ADOPT: 5022.1 AMEND: 4968
 07/28/05 AMEND: 1529, 1535, 5190, 5210, and 8358
 06/28/05 AMEND: 3541, 3542, 3543, 3544, 3545, 3546, 3548, 3549
 06/20/05 AMEND: 3649, 3651(a)
 06/20/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14

06/15/05 AMEND: 1670(b)(11)(B)
 06/10/05 ADOPT: 9768.1, 9768.2, 9768.3, 9768.4, 9768.5, 9768.6, 9768.7, 9768.8, 9768.9, 9768.10, 9768.11, 9768.12 9768.13, 9768.14, 9768.15, 9768.16, 9768.17
 06/10/05 ADOPT: 9785.4, 9805.1 AMEND: 9725, 9726, 9727, 9785, 9785.2, 9785.3, 9805, 10150, 10152, 10156, 10158, 10160, 10161, 10163, 10165.5 REPEAL: 10151, 10154
 06/06/05 ADOPT: 10133.50, 10133.51, 10133.52, 10133.53, 10133.54, 10133.55, 10133.56, 10133.57, 10133.58, 10133.59, 10133.60
 05/31/05 ADOPT: 32032, 32033, 32034, 32035, 32606, 32607, 32608, 32609, 81000, 81005, 81010, 81020, 81030, 81040, 81050, 81055, 81060, 81065, 81070, 81075, 81080, 81090, 81100, 81105, 81110, 81115, 81120, 81125, 81130, 81135, 81140, 81145, 81150, 81155, 81160, 81
 05/24/05 AMEND: 3999
 05/12/05 AMEND: 9789.11
 04/29/05 AMEND: 3456
 04/28/05 AMEND: 1637

Title 10

07/07/05 AMEND: 4010, 4011, 4013, 4016, 4018, 4019, 5000, 5001, 5002, 5003, 5005, 5006, 5007, 5008, 5009, 5010, 5013, 5020, 5050, 5051, 5060, 5061, 5070, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5119, 5260, 5261, 5262, 5263, 5264, 5266, 5267, 5268,
 06/30/05 AMEND: 2699.6600, 2699.6809
 06/23/05 AMEND: 2498.6
 06/22/05 AMEND: 260.102.14
 06/03/05 AMEND: 2698.61, 2698.62
 06/03/05 AMEND: 2698.70, 2698.71
 05/05/05 ADOPT: 2805, 2805.5, 2805.9, 2805.11, 2806, 2807, 2807.1, 2807.2, 2807.3, 2807.4, 2808, 2809, 2809.1, 2809.2, 2809.3, 2809.5, 2810, 2810.5, 2811 AMEND: 2814 REPEAL: 2805, 2805.1, 2805.1.5, 2806, 2806.5, 2810, 2810.1, 2810.2, 2810.3, 2810.4, 2810.6, 28
 04/29/05 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45

Title 11

08/22/05 AMEND: 1001, 1002, 1007
 08/22/05 AMEND: 1002, 1007, 1018, 1008, 1015
 08/12/05 AMEND: 1005, 1060
 08/01/05 AMEND: 1005, 1014
 07/28/05 ADOPT: 720, 721, 722, 723, 724,

06/24/05 AMEND: 63.2
 06/15/05 AMEND: 1005, 1007, 1008
 06/15/05 AMEND: 1053
 06/13/05 ADOPT: 308, 312.1 AMEND: 300, 301,
 302, 303, 304, 305, 306, 307, 310, 311,
 312
 05/11/05 ADOPT: 61.9
 05/09/05 ADOPT: 28.4
 05/04/05 AMEND: 51.2
 05/04/05 ADOPT: 61.8
 05/04/05 AMEND: 51.7
 05/04/05 ADOPT: 51.25
 05/04/05 ADOPT: 51.23
 05/03/05 AMEND: 51.15
 05/03/05 AMEND: 51.24
 05/03/05 AMEND: 51.12
 05/03/05 AMEND: 51.14

Title 12

06/14/05 AMEND: 503(f)

Title 13

09/12/05 AMEND: 2262, 2264.2, 2266.5(a)(6)
 08/24/05 AMEND: 551.2, 551.15
 08/18/05 AMEND: 2754
 08/16/05 AMEND: 345.39, 345.45, 345.56, 345.78
 08/11/05 AMEND: 423.00
 08/08/05 AMEND: 2185
 08/02/05 AMEND: 2450, 2451, 2452, 2454, 2455,
 2456, 2457, 2458, 2459, 2460, 2461,
 2462, 2463, 2464, 2465
 07/28/05 AMEND: 25.15, 25.18, 25.19, 25.21,
 25.22
 07/27/05 AMEND: 350.24
 07/19/05 ADOPT: 15.04
 05/31/05 AMEND: 551.1, 551.6, 555, 558, 560,
 561, 580, 583, 585, 586, 595, 597

Title 13, 17

07/05/05 ADOPT: 2299 (Title 13), 93117 (Title 17)
 AMEND: 2281 (Title 13), 2282
 (Title 13), 2284 (Title 13)
 05/03/05 ADOPT: 159.10

Title 14

08/26/05 AMEND: 7.50(b)(91.1)
 08/24/05 AMEND: 183 REPEAL: 188
 08/23/05 AMEND: 230
 08/23/05 AMEND: 7.50
 08/08/05 ADOPT: 4970.02, 4970.03, 4970.04,
 4970.05, 4970.06, 4970.07, 4970.08,
 4970.09, 4970.10, 4970.11, 4970.12,
 4970.13, 4970.14, 4970.15, 4970.16,
 4970.17, 4970.18, 4970.19, 4970.20,
 4970.21 AMEND: 4970.00, 4970.01 RE-
 PEAL: 4970.02, 4970.03, 4970.04,
 4970.05
 08/05/05 ADOPT: 1052.4 AMEND: 895.1, 1052,
 1052.1

07/21/05 AMEND: 18419
 07/19/05 AMEND: 354, 360, 361, 362, 363, 478.1,
 708
 07/13/05 AMEND: 122 REPEAL: Appendix A,
 Form DFG 122
 06/21/05 AMEND: 895, 895.1, 1038, 1038(f)
 06/09/05 AMEND: 27.80
 06/09/05 AMEND: 782
 05/12/05 AMEND: 120.01
 05/12/05 AMEND: 180.3
 05/11/05 AMEND: 150.03
 05/11/05 AMEND: 150.05
 05/11/05 AMEND: 180.15
 05/11/05 AMEND: 231
 05/11/05 AMEND: 601
 05/10/05 AMEND: 551
 05/10/05 AMEND: 150
 05/10/05 AMEND: 150.02
 05/05/05 AMEND: 165

Title 14, 27

08/23/05 AMEND: Title 14, sections 17850(a);
 17852(a)(5), (a)(11), (a)(12), (a)(13),
 (a)(15), (a)(16), (a)(21), (a)(22), (a)(24),
 (a)(36), (a)(41); 17855(a), (a)(5)(A);
 17855(a)(5)(B), (a)(7); 17855.4(a), (c),
 (d)(1), (d)(2), (d)(3); 17856(a), (c),
 (c)(1); 17

Title 15

09/13/05 ADOPT: 3480, 3480.1, 3483, 3484, 3485
 AMEND: 3084.1, 3084.7, 3480, 3481,
 3482, 3483
 08/23/05 AMEND: 3025
 08/03/05 ADOPT: 3436
 07/07/05 ADOPT: 3187 AMEND: 3006, 3188,
 3189, 3331
 06/27/05 REPEAL: 3999.1.7
 06/22/05 AMEND: 2000, 2400, 2403
 06/21/05 REPEAL: 3999.1.2
 06/21/05 REPEAL: 3999.1.3
 06/15/05 AMEND: 3335
 06/08/05 ADOPT: 2251.5, 2251.6, 2251.7
 AMEND: 2041, 2072, 2073, 2074 RE-
 PEAL: 2050, 2051, 2052, 2054, 2055,
 2056, 2701
 06/02/05 AMEND: 1006, 1010, 1018, 1020, 1021,
 1023, 1025, 1028, 1029, 1045, 1046,
 1051, 1052, 1065, 1083, 1144, 1206,
 1209, 1240, 1241, 1242, 1243, 1245,
 1246, 1247, 1248, 1262, 1265, 1267,
 1270, 1271 REPEAL: 1218
 06/01/05 ADOPT: 4141, 4141.1
 05/26/05 AMEND: 3287

Title 16

09/09/05 AMEND: 1399.170.11
 09/07/05 ADOPT: 1712 AMEND: 1706.2, 1715, 1717, 1719, 1720, 1720.1, 1725, 1726, 1728, 1732, 1732.05, 1732.1, 1732.2, 1732.3, 1732.4, 1732.5, 1732.6, 1732.7, 1745, 1749
 REPEAL: 1727, 1750
 09/06/05 ADOPT: 1659.30(a)(b)(c), 1659.31(a)(b), 1659.32(a)(b), 1659.33, 1659.34(a)(b)(c), 1659.35
 09/06/05 ADOPT: 1070.4
 08/29/05 AMEND: 404.1, 404.2
 08/25/05 AMEND: 473
 08/25/05 AMEND: 1399.15
 08/16/05 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4222, 4224, 4226, 4228, 4230, 4232, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4256, 4258, 4260, 4262, 4264, 4266, 4268
 07/28/05 AMEND: 1387, 1387.1, 1387.2, 1387.3, 1387.5, 1387.6, 1390, 1390.3, 1391
 07/27/05 AMEND: 2085.2
 07/26/05 AMEND: 418
 07/22/05 AMEND: 1888
 07/22/05 AMEND: 109, 116, 117
 07/21/05 ADOPT: 1070.5
 07/18/05 ADOPT: 1399.327, 1399.350.5, 1399.352.7, 1399.372.5
 07/12/05 AMEND: 1397.51
 07/06/05 ADOPT: 1922.3, 1993.1 AMEND: 1950.5, 1951, 1953
 07/05/05 ADOPT: 1398.26.1
 07/05/05 ADOPT: 1399.454 AMEND: 1399.450, 1399.451
 06/22/05 AMEND: 1041
 05/31/05 AMEND: 4154
 05/12/05 AMEND: 1491
 05/10/05 ADOPT: 2293, 2294
 04/28/05 ADOPT: 1070.3

Title 17

09/12/05 ADOPT: 1029.117, 1029.134, 1031.8, 1031.9, 1032.5, 1035.3, 1035.4
 09/07/05 REPEAL: 1411.1, 1420.1, 1420.2, 1420.3, 1420.4, 1420.5, 1422.3, 1498, 1498.1, 1498.2, 1498.3, 1498.4, 1498.5, 1498.6, 1498.7, 1498.8, 1498.9
 08/31/05 ADOPT: 93102.5
 08/18/05 AMEND: 94006
 08/01/05 ADOPT: 58800, 58810, 58811, 58812, 58820, 58821, 58822, 58830, 58831, 58832, 58833, 58834, 58840, 58841, 58842, 58850, 58851, 58860, 58861, 58862, 58863, 58864, 58870, 58871,

58872, 58873, 58874, 58875, 58876, 58879, 58880, 58881, 58882
 AMEND: 54302, 54
 07/22/05 ADOPT: 50243, 50245, 50247, 50249, 50251, 50253, 50255, 50257, 50259, 50261, 50262, 50263, 50265, 50267
 07/11/05 AMEND: 54319
 06/30/05 AMEND: 2500, 2502, 2505
 06/23/05 AMEND: 60201, 60202, 60205, 60210
 06/22/05 ADOPT: 30194.1, 30194.2 AMEND: 30100, 30145, 30145.1, 30225, 30230, 30231, 30408, 30535 REPEAL: 30232
 06/20/05 AMEND: 94501, 94506, 94507, 94508, 94509, 94510, 94512, 94513, 94515, 94526, & Test Method
 05/18/05 AMEND: 50604, 50605, 54310, 54320, 54326, 54332, 54335
 05/12/05 ADOPT: 1029.117, 1029.134, 1031.8, 1031.9, 1032.5, 1035.3, 1035.4
 05/02/05 ADOPT: 50243, 50245, 50247, 50249, 50251, 50253, 50255, 50257, 50259, 50261, 50262, 50263, 50265, 50267

Title 18

07/08/05 ADOPT: 4056.1
 06/07/05 ADOPT: 1160, 1214, 1331.2, 1425, 2257, 2333, 2425, 2520, 3005, 3303, 3503, 4031.1, 4905
 05/05/05 AMEND: 18522, 18526, 18523, 18530
 05/04/05 AMEND: 6001
 04/29/05 ADOPT: 4056.1

Title 19

05/26/05 AMEND: 3.11

Title 20

09/08/05 ADOPT: 2800, 2801, 2810, 2811, 2820, 2821, 2822, 2823, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2840, 2841, 2842
 07/26/05 AMEND: 1340, 1341, 1342, 1343, 1344

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09/09/05 ADOPT: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619
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